

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

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Court of Appeals, District of Columbia

JANUARY TERM, 1901.

No. 1036.

52

ANNIE V. H. GIBSON, APPELLANT,

vs.

CHARLES A. GIBSON.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FILED DECEMBER 15, 1900.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

JANUARY TERM, 1901.

No. 1036.

ANNIE V. H. GIBSON, APPELLANT,

v.s.

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APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

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In the Court of Appeals of the District of Columbia

ANNIE V. H. GIBSON, Appellant, }
vs. } No. 1036.
CHARLES A. GIBSON. }

a Supreme Court of the District of Columbia.

ANNIE V. H. GIBSON }
vs. } No. 20397. In Equity.
CHARLES A. GIBSON. }

UNITED STATES OF AMERICA, } ss :
District of Columbia, }

Be it remembered that in the supreme court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit :

1 *Petition.*

Filed April 27, 1899.

In the Supreme Court of the District of Columbia, this — Day of April, 1899.

ANNIE V. H. GIBSON, Petitioner, }
vs. } In Equity. No. 20397.
CHARLES A. GIBSON, Defendant. }

To the supreme court of the District of Columbia, holding an equity court :

Your petitioner states as follows :

1. That she and the defendant, Charles A. Gibson, are citizens of the United States and residents of the District of Columbia and have been for more than two years last past.

2. That your petitioner, whose name at the time was Annie V. H. Thompson, and the defendant, Charles A. Gibson, were lawfully married on or about the 13th day of June, A. D. 1878, by the Rev. R. A. Compton, at Portsmouth, in the State of Virginia; that there were born unto your petitioner and the defendant herein one child, which said child died on or about July 20th, A. D. 1896, aged seventeen years.

3. That the said defendant, at divers and sundry times to your petitioner unknown, prior to and since the 16th day of November,

1898, in utter disregard of his marriage obligation to your petitioner, willfully committed adultery with one Hattie G. Wise, a colored woman, living in the house with said defendant at No. 1602

2 Thirteenth street north west, in Washington, D. C., and that said criminal relations between the said defendant and the said Hattie G. Wise were established and begun at least as early as the 16th day of Nov., 1898, and petitioner is informed and believes that said relationship begun before said date, and said adulterous relationship has continued ever since; that petitioner is unable to give the exact dates of said acts of adultery between the defendant and the said Hattie G. Wise, but avers that the same have been constant and habitual; petitioner further avers that the place of the committing of said adultery was at the said house known as 1602 Thirteenth street north west, in the city of Washington, D. C., and at divers and sundry other places unknown to the petitioner.

Your petitioner further avers that the said defendant has, since the 19th day of March, 1899, continually heaped insults, indignities, and abuses upon your petitioner, and has also caused and influenced the said Hattie G. Wise to insult, maltreat, and abuse your petitioner in a most outrageous and abusive manner, notwithstanding your petitioner has always treated and acted toward the defendant in every respect as a faithful and constant wife should treat and act toward her husband.

4. That the adultery hereinbefore referred to was committed by the defendant without the consent, connivance, privity, or procurement of the petitioner, and that after discovery of the offense your petitioner has not voluntarily cohabited with the defendant.

3 5. That the defendant is now employed as Secretary to the Committee on Agriculture of the United States House of Representatives, and receives as such secretary a salary of two thousand (\$2,000) dollars per annum; that the defendant is also employed as private secretary to the Honorable Frederick Wright, congressman from the Fifteenth congressional district of Pennsylvania, so your petitioner is informed and believes, at a salary of twelve hundred (\$1,200) dollars per annum; that the said defendant has in addition to the amounts above mentioned other sources of income, which, added to the above amounts, make a total income of about thirty-six hundred (\$3,600) dollars per annum.

Wherefore your petitioner prays:

First. That an order of this court may issue to the defendant herein, directing him to pay to the petitioner reasonable alimony pending the hearing of this cause, and that this court may decree and order that the defendant pay to the petitioner such permanent alimony for her maintenance and support as may be reasonable and proper, together with reasonable fee to her counsel for their services in this cause.

Second. That the bonds of matrimony now existing between your petitioner and the defendant be dissolved, and that the petitioner be absolutely absolved from all her marriage relations with the defendant.

4 Third. That the United States writ of subpoena may issue to the defendant commanding him to appear and answer the exigencies of this petition.

Fourth. And for such other and further relief as to the court may seem meet and proper.

ANNIE V. H. GIBSON, *Petitioner*.

DOUGLASS & DOUGLASS,
JOSEPH D. WRIGHT,
Attorneys for Petitioner.

DISTRICT OF COLUMBIA, *To wit:*

I solemnly swear that I have read the foregoing petition by me subscribed, and know the contents thereof, and that the facts therein stated upon my personal knowledge are true, and those stated upon information and belief I believe to be true.

ANNIE V. H. GIBSON.

Sworn to and subscribed to before me this the 27th day of April, 1899.

JOHN R. YOUNG, *Clerk*.

5 *Petition of Complainant for Alimony, &c.*

Filed May 11, 1899.

In the Supreme Court of the District of Columbia, the — Day of May, 1899.

ANNIE V. H. GIBSON, Petitioner,	} In Equity. No. 20397.
<i>vs.</i>	
CHAS. A. GIBSON, Defendant.	

To the supreme court of the District of Columbia, holding an equity court:

The petitioner states as follows:

1. That on or about the 27th day of April, 1899, she filed her petition in this court against the defendant for divorce, and prayed therein for alimony and counsel fees pending this action.

2. That in the fifth paragraph of her bill of complaint this petitioner stated the income of the defendant to be about thirty-six hundred (\$3,600.00) dollars per annum.

3. That your petitioner is entirely without means of support, and is dependent upon her friends and relatives for her maintenance and the necessities of life.

Wherefore your petitioner prays:

First. That, the premises considered, she may have an order from this honorable court directed to the defendant, Chas. A. Gibson, commanding him to appear on a day certain and show cause why he should not pay to your petitioner her reasonable alimony and counsel fees pending the trial of this cause, as prayed in
6 her original petition.

And for such other and further relief as to the court may seem meet and proper.

ANNIE V. H. GIBSON.

DOUGLASS & DOUGLASS,
JOSEPH D. WRIGHT,
Solicitors for Petitioner.

DISTRICT OF COLUMBIA, }
City of Washington, } ss:

I do solemnly swear that I have read the petition by me subscribed and know the contents thereof, and that the facts therein stated upon my personal knowledge are true, and those stated upon information and belief I believe to be true.

ANNIE V. H. GIBSON.

Sworn and subscribed to before me this 10th day of May, 1899.

[SEAL.]

D. T. HASSAN,
Notary Public, D. C.

Rule to Show Cause.

Filed May 11, 1899.

In the Supreme Court of the District of Columbia, Holding an
Equity Court.

ANNIE V. H. GIBSON, Petitioner, }
vs. } In Equity. No. 20397.
CHAS. A. GIBSON, Defendant. }

Upon consideration of the allegations contained in the petition of Annie V. H. Gibson, it is by the court, this 11th day of May, 1899, and the authority thereof, ordered that the defendant, Chas. A. Gibson, do show cause to this court, on Monday, the 15th day of May, 1899, at the hour of ten o'clock in the forenoon, why the said defendant should not pay unto the petitioner reasonable alimony and counsel fees pending the hearing of this suit.

It is further ordered that a copy of this order be forthwith served upon the defendant, Chas. A. Gibson.

CHAS. C. COLE,
Asso. Justice.

Marshal's Return.

Within-named defendant not to be found.
May 15, 1899.

AULICK PALMER, *Marshal.*

7

Answer to Rule.

Filed May 26, 1899.

In the Supreme Court of the District of Columbia, Holding Equity Term.

ANNIE V. H. GIBSON, Petitioner, }
vs. } Equity. No. 20397.
CHARLES A. GIBSON, Defendant. }

Charles A. Gibson, being first duly sworn according to law, on oath deposes and says:

That he is the defendant in the above-entitled cause, and that he receives a salary of \$2,000 a year as clerk to the Committee on Agriculture of the House of Representatives, and that he has no other income from any source and has no property or assets whatever except a little bed-room furniture, which is now in use by him, and his own wearing apparel; that he has debts to the amount of \$1,500, or a small sum in excess of that, which he contracted prior to his appointment as such clerk, and he is now endeavoring to pay such debts, as they are overdue and justly payable by him; that the petitioner in this case about two years ago began an action for divorce against affiant, leaving his home without just cause or provocation and taking with her a large part of the household furniture, which was never returned; that she failed to secure a divorce in that attempt, and her petition for it was dismissed by the court, and shortly thereafter, at the request of the petitioner, this affiant re-furnished his home at a considerable expense and petitioner re-

turned to it, and he run in debt for such furniture; that
8 such indebtedness for furniture has not all been paid and he now owes for it several little bills, and owes W. B. Moses & Sons \$130.74, and has just received a demand from them to make payment, which affiant intends to pay as soon as he can earn or raise the money for that purpose.

Affiant says further that about the time he received the petitioner back into his home and incurred the expense and indebtedness for furniture, as aforesaid, he also became obligated to pay the rent of \$37.50 per month for said house, and that he is still burdened with such obligation, which will not expire until March, 1900; that said house is numbered 1602 13th street northwest, in the city of Washington, D. C.

Affiant says further that since petitioner filed her petition in this case asking for divorce he has received from Woodward and Lothrop a bill contracted by her prior to filing said petition and amounting to \$23.90, and another one for \$20 from oculist in Balto., which now remains unpaid, and defendant is informed and believes that other bills contracted by her will be presented to this affiant for payment.

Affiant says further that by reason of the petitioner taking away

said household furniture and involving this affiant in the expense of her prior attempt to secure a divorce, and by reason of his expense and indebtedness in securing other furniture to take the place of what she removed, and by reason of additional expense and indebtedness in connection with renting and maintaining said premises, he has incurred such outlay that he has been unable to save anything from his said salary of \$2,000, and is at least \$1,000 worse off and farther behind in his financial situation than when alimony was ordered to be paid by him in her prior divorce proceedings.

Affiant says further that at this time he has no money, no resources, and no assets of any kind whatever, and is largely in debt, as above set forth.

Affiant says further that about the time petitioner made her prior attempt to secure a divorce she had \$2,000 invested at six per cent. interest, and owned an undivided interest in a certain piece of real estate in the District of Columbia, valued at \$6,600.

Affiant says further that while his financial condition, his debts, obligations, and liabilities are as above stated, a condition which has been largely brought about by the petitioner herein, she has quite liberal means and resources and affiant has nothing and is largely in debt.

Affiant says, therefore, that he is unable to pay alimony and counsel fees unless the same are very small and affiant is allowed a time in which to meet the same sufficient to enable him to earn it and receive it out of the salary of \$2,000 afore mentioned, and he respectfully asks the court to make this order for alimony substantially less than on the former occasion when the court ordered him to pay alimony, and also asks that no counsel fees be allowed at this time, but that the same may wait to be paid at the determination of this suit, if at all, and then be fixed at a small figure.

CHAS. A. GIBSON.

10 Subscribed and sworn to before me at Washington, D. C., this 19th day of May, 1899.

J. R. YOUNG, *Clerk*,
By M. A. CLANCY, *Ass't Cl'k*.

Order to Pay Alimony.

Filed May 26, 1899.

In the Supreme Court of the District of Columbia, Equity Term.

ANNIE V. H. GIBSON, Petitioner,	}	No. 20397.
vs.		
CHARLES A. GIBSON, Defendant.		

This cause coming on to be heard on motion of solicitor for petitioner and being argued by counsel for both parties—

It is this twenty-sixth day of May, 1899, ordered that the defendant, Charles A. Gibson, pay to Annie V. H. Gibson, petitioner, forty

dollars a month as alimony, pending this suit, on the first day of each and every month thereof, the first payment to be made on June 1, 1899. It is further ordered that said defendant pay to petitioner's solicitors a fee of fifty dollars, the same to be paid in monthly instalments of ten dollars each and the first payment to be made June 1, 1899.

CHAS. C. COLE,
Asso. Justice.

11

Answer.

Filed July 18, 1899.

In the Supreme Court of the District of Columbia, Holding Equity Court.

ANNIE V. H. GIBSON, Petitioner,	}	Equity. No. 20397.
<i>vs.</i>		
CHARLES A. GIBSON, Defendant.		

The defendant, Charles A. Gibson, in the above-entitled cause, for answer to the petition herein says as follows:

1, 2. The defendant admits the allegations in paragraphs 1 and 2 of said petition.

3. Answering paragraph 3, the defendant says that he absolutely and unqualifiedly denies that he committed adultery with one Hattie G. Wise on or about the 16th day of November, 1898, in the house 1602 13th street northwest, in Washington, D. C., or at any other time or place, and denies that he maintained any criminal relations with her prior to, at that time, or since, in that house or elsewhere, and denies also that there has been any constant and habitual adultery between himself and the said Hattie G. Wise, as alleged by the petitioner herein, and says that all such allegations are wholly and absolutely false, malicious, and vindictive and without any foundation in fact. Further answering paragraph 3, the defendant says that the petitioner herein, without any just cause or provocation, on three different occasions left this defendant and the

12 home he had provided for himself and petitioner, and in March, 1898, petitioner having for the third time so left and abandoned this defendant, after being away four months, began her suit in this court for a divorce from bed and board, alleging that this defendant treated petitioner with such cruelty as to endanger her life and health. The defendant further says that this suit was litigated at great expense and annoyance and distress of mind to this defendant, and testimony was taken and the case was argued by counsel for both sides and the petitioner's suit was dismissed.

Defendant says further that shortly thereafter and notwithstanding this outrage upon him committed by the petitioner and the great burden of expense imposed upon him by reason thereof and the wicked and persistent efforts of petitioner to injure this defendant and annoy him and burden him with as much expense as possible in said litigation this defendant, at her earnest solicitation, provided

her with a good home, as abundant and comfortable as his means would permit, and took her back to live with him and did everything in his power to contribute toward the happiness and welfare of the home of the parties to this action; that at the time she was taken back by this defendant, as aforesaid, she expressed great penitence and sorrow for the step she had taken, and in an apparently wifely way promised and agreed to devote herself and her efforts toward maintaining in future the family relation as it ought to exist, and this defendant in every way, by word and act and by making abundant provision for his wife and home, tried to do all that could be done toward maintaining in good faith and all sincerity the family relation as it should be,

13 but the petitioner meanwhile, as the defendant has since been informed and believes, and so avers the fact to be, unmindful of the efforts of this defendant, as aforesaid, wickedly and purposely returned to this defendant and pretended to be sincere and earnest in her desire for reconciliation and to live with this defendant as she ought to and do her part toward maintaining a home as a wife should do, with the sole and express purpose of deceiving, misleading, and annoying this defendant and making plans and gathering facts which she might use and which she intended to use to further destroy the home, wrong this defendant, and manufacture circumstances and conditions which would enable her to secure a divorce. Defendant says further that he has since been informed and believes and avers the fact to be that the petitioner has so stated in substance and said, among other things, that she did not care for money or for this defendant or particularly for a divorce, but desired it incidentally and as a part of her plan, among other things, to undermine and distress this defendant and involve him in expense and for revenge. Defendant further says that while the petitioner was away and seeking her said divorce this defendant, after keeping open for three months the home in which he and the petitioner had lived so that she might have a place to return to if she so desired, went to live in a house with two other men, and the said Hattie G. Wise was a colored servant employed as housekeeper in said house by this defendant and his associates, and was then and is now, to the best of defendant's knowledge, a respectable and industrious woman. Prior and subsequent to the time this petitioner returned to the defendant and during the time the petitioner herein lived with this defendant at said 1602 13th street northwest this defendant says

14 that he never met the said Hattie G. Wise or conversed with her or was in her company or had any association with her whatever in said house or anywhere else except as such servant.

Defendant, answering further, says that he denies that he has since the 19th of March, 1899, or at any other time or times heaped abuse on the petitioner herein or insults or indignities, but, on the contrary, he has treated her with the kindest forbearance, most ample forgiveness, and a sincere desire always to live happily and peacefully with her. Defendant, answering further, says that he denies that he has caused or influenced the said Hattie G. Wise to

insult, maltreat, and abuse the petitioner herein in any manner whatsoever, and says that it is not true that she has insulted, maltreated, or abused said petitioner, but, on the contrary, as soon as the petitioner herein returned to this defendant she put the whole house in an uproar by her scolding, fault-finding, and nagging, and became so unbearable to this defendant and the other occupants of the house that they were compelled frequently to leave the house and remain out of it as much as possible, and this defendant was sometimes obliged, in order to avoid tumult and controversies, sought and promoted by the petitioner herein, to go to a hotel and sleep. Defendant, answering further, says that the petitioner herein is highly excitable and nervous, and at time- so violent as to border on insanity; that she is a chronic scold, and is at all times unreasonable and dissatisfied; that she is insincere, extremely sensitive, suspicious, unreasonable, untruthful, and unjust, and either purposely or otherwise ignored and misconstrued all efforts of this defendant exerted in the direction of securing and
15 maintaining harmony and happiness, and persistently charged him with making such efforts dishonestly and with an ulterior and bad motive in view. Defendant, further answering, says that the allegation of the petitioner that she has in every respect treated this defendant and acted toward him as a faithful and constant wife should treat and act toward her husband is wholly and absolutely false, and that she has failed and omitted in all respects to treat him fairly, honestly, or decently; that petitioner was always treated by the said Hattie G. Wise with that proper respect which is due from a servant to a member of the family, and this defendant believes, and so avers the fact to be, that the conduct and language and condition of the petitioner herein and the fact of her applying for a divorce heretofore and applying for this divorce are largely due to her physical infirmities and mental weakness and the influence of her relatives, who are unfriendly to this defendant, and defendant says that so far as his means would permit he has tried in every way to relieve the petitioner of her unfortunate condition, and shortly after her prior suit for divorce was dismissed, and on or about the first of December, 1898, and for several months thereafter, he paid her board and part of the time thirty dollars a week for her treatment and support in the Johns Hopkins hospital, in the city of Baltimore.

Defendant, further answering, says that the petitioner herein thereafter from the 19th day of March last lived with this defendant in the said home up to and until the 24th day of April last, when she again wilfully and wickedly abandoned him without any just cause or provocation, and swore to a warrant charging him with
16 the crime of adultery committed with the said Hattie G. Wise on the same date as in her petition alleged, and that she also swore to a warrant charging the said Hattie G. Wise with the crime of fornication with this defendant on the same date as in her petition alleged, and while this defendant and the said Hattie G. Wise were awaiting a hearing in the police court on such charges so, as

aforesaid, made by the petitioner herein she began, among other things, as a part of her wicked and unjustifiable persecution of this defendant, this action for divorce against him, and she has since appeared before the grand jury, and upon her testimony in part before that body secured the indictment of this defendant upon the charge of adultery committed with the said Hattie G. Wise at the time mentioned by the petitioner herein in her petition for divorce. This defendant further avers that petitioner has maliciously and wickedly caused to have known and made known many slanderous, malicious, and vicious falsehoods about this defendant, petitioner having written such falsehoods to friends of this defendant in many different parts of the country.

4. Answering paragraph 4 of the petition herein, which alleges that the said adultery was committed without the consent, connivance, privity, or procurement of the petitioner herein, this defendant says that he did not commit adultery with the said Hattie G. Wise as the petitioner alleges, or at any other time or place.

5. Answering paragraph 5 of the petition herein, this defendant admits that he is employed as clerk to the Committee on Agriculture of the House of Representatives and receives a salary as
17 such clerk of \$2,000 per annum, but denies that he is also employed as private secretary to the Honorable Frederick Wright, of the 15th congressional district of Pennsylvania, at a salary of \$1,200 a year, and denies further that he is employed by Congressman Wright in any capacity at any salary, and denies further that he has any income from any source above or outside of the said salary of \$2,000 as clerk to the Committee on Agriculture.

This defendant, having now answered fully, asks respectfully that the petition herein may be dismissed.

CHAS. A. GIBSON.

TRACY L. JEFFORDS, *Solicitor*.

I do solemnly swear that I have read over the foregoing answer by me subscribed and know the contents thereof, and that the matters and things therein stated of my personal knowledge are true, and the matters and things stated upon information and belief I believe to be true.

CHAS. A. GIBSON.

Subscribed and sworn to before me, at Washington, D. C., this 18th day of July, A. D. 1899.

J. R. YOUNG, *Clerk*,
By M. A. CLANCY, *Ass't Cl'k*.

18

Motion to Strike Out Certain Parts of Answer.

Filed July 29, 1899.

In the Supreme Court of the District of Columbia, the — Day of
July, 1899.

ANNIE V. H. GIBSON, Petitioner,	}	Equity. No. 20397.
<i>vs.</i>		
CHARLES A. GIBSON, Defendant.		

Now comes the petitioner herein, by her solicitors, Douglass & Douglass and Joseph D. Wright, excepting and objecting to so much of the defendant's answer herein as is immaterial, irrelevant, incompetent, not responsive to the allegation contained in the petition, and libelous and vicious in its nature, and moves the court to strike from the answer of the defendant herein the following:

1. Beginning with the words "Further answering paragraph 3," in line 12 of paragraph 3, page 1, of said answer, and ending with the words "with two other men," in line 16, in paragraph 3, on page 3, of said answer.

2. Beginning with the words "but on the contrary," in line 2, in paragraph 3, on page 4, of said answer, and ending with the words "bad motive in view," in line 21 of same paragraph and page.

3. Beginning with the words "and this defendant believes," in line 29, paragraph 3, on page 4, of said answer, and ending with "in the city of Baltimore," in line 8, paragraph 3, on page 5, of said answer.

19 4. Beginning with the words "This defendant further avers," in line 30, in paragraph 3, on page 5 of said answer, and ending with the words "parts of the country," in line 1, on page 6, of said answer.

DOUGLASS & DOUGLASS,
JOSEPH D. WRIGHT,
Solicitors for Petitioner.

To Mr. Tracy L. Jeffords, solicitor for defendant:

Please to take notice that we will call the above motion to the attention of Mr. Justice Cole, holding an equity court, at 10 o'clock a. m., on Thursday, the 3rd day of August, 1899, or as soon thereafter as counsel can be heard.

DOUGLASS & DOUGLASS,
JOSEPH D. WRIGHT,
Solicitors for Petitioner.

I accept service of foregoing motion and notice, but deny the imputations contained therein, and suggest that the court and not counsel is the proper authority to pass on the matter.

Washington, D. C., July 29, 1899.

TRACY L. JEFFORDS,
Sol'r for Defendant.

22 EMMA F. DOUGLASS, a witness of lawful age produced by and on behalf of the complainant in the above-entitled cause, having been first duly sworn according to law, deposes and says as follows:

Q. Mrs. Douglass, where do you reside? A. I reside at No. 505 East Capitol street.

Q. Do you know Mrs. Gibson, the complainant in this cause? A. I do.

Q. Do you know Mr. Gibson, the defendant? A. I used to know him.

Q. Has Mrs. Gibson, the complainant in this cause, ever been married before? A. Yes, sir; she has been married once before.

Q. Are you related to Mrs. Gibson? A. I am Mrs. Gibson's daughter.

Q. By her first, or by her second, marriage? A. By her first marriage.

Q. Do you remember when she married Mr. Gibson? A. She was married on the 13th day of June, 1878.

Q. Where, and by whom? A. In Portsmouth, Virginia, by Rev. R. A. Compton.

Q. Were you present at that time? A. Yes, sir; I was.

No cross-examination.

23 HENRY S. DAVIS, a witness of lawful age called by and on behalf of the complainant in the above-entitled cause, having been first duly sworn according to law, deposes and says as follows:

Q. Where do you reside? A. I reside at 1819 6th street northwest.

Q. What is your business, Mr. Davis? A. My business is that of a private watchman.

Q. How long have you been employed in that capacity? A. For something over fourteen years.

Q. By whom are you employed? A. By the people at large, such as Doctor Ames, Zacariah Johnson, Mrs. McLean, and the Corean legation, and also a Mr. Murray and Mr. Yost.

Q. What section are you employed in? A. I run from Eleventh street to Fourteenth, and from O street to R street.

Q. How long have you been employed as a private watchman? A. Fourteen years the first day of last September.

Q. How long have you been on this beat—this section that you have mentioned? A. I have been on the same beat all the time.

Q. Are you still employed there? A. Yes, sir.

Q. What are your duties, Mr. Davis? A. My duties are to look out in case of fire, look out for thieves, house-breaking at night, see that everybody's place is closed up and secure.

24 Q. Mr. Davis, is house No. 1602 Thirteenth street on your beat? A. Yes, sir.

Q. Did you ever have your attention called to that house? A. I have; by Doctor Ames.

Q. What person lived in that house in 1898? A. I supposed Mr. Gibson; he was supposed to be the proprietor of the place.

Q. Does Mr. Gibson still live there? A. No, sir.

Q. Do you know when he left there? A. He left there somewhere along in August last.

Q. Who else lived in that house? A. Well, there was a fellow named Beck who stayed there with this Mr. Gibson. In fact, there were two or three men occasionally; but Mr. Gibson was supposed to be the proprietor of the place—that is, the head man in the house.

Q. Did any one else live in the house? A. There was a girl named Hattie Wise, the colored girl.

Q. Now, Mr. Davis, I will ask you, if you ever had your attention attracted to that house; and, if so—— A. The first time I had any occasion to be attracted to that house was when I saw a crowd of people there, four men and this girl; they were making such a loud noise and singing that I spoke to Doctor Ames one evening about it as to what kind of a house it was, and he said——

By Mr. JEFFORDS: Don't tell what he said.

25 The WITNESS: So I said, I believe there is something wrong about the house; the house was not altogether right. I was requested then by Doctor Ames to try and find out what kind of a place it was, which I did, and I found there, and very often, drinking, and singing "There will be a hot time in the old town tonight," as late as 1.30 in the morning.

Q. Mr. Davis, did you ever observe the conduct between this girl you mention, Hattie Wise, and the defendant?

By Mr. JEFFORDS: Now, I want to object to this question until he is asked what else he observed.

By Mr. WRIGHT: I withdraw the question.

Q. What else did you observe, Mr. Davis? A. I saw them waltz around the room there with this girl, this colored girl and Mr. Gibson, as though they were man and wife, as though she were some girl that he would take to a ball. I saw him lay on top of this girl on the lounge, in between her legs, with nothing on but his drawers, it looked like an undershirt or a jacket, with one of his arms on her head, and the other one on her bosom.

Q. Where were they when you saw them? A. On the lounge in the room; she was on her back and he was on top of her, with one of his hands on her head and the other one on her bosom.

Q. What did she have on? A. It looked something like a dark wrapper.

Q. Where were you when you saw this? A. I was standing on Doctor Ames' back porch.

Q. Mr. Davis, what time of the day was it that you saw this? A. It was night-time; along about the hours of nine or ten, or
26 somewhere along there.

Q. On what floor of the house did you see this? A. This was on the second floor.

Q. Mr. Davis, where is Doctor Ames' house situated? A. His

house is No. 1600 Thirteenth street—right at the corner of Thirteenth and Q streets northwest.

Q. What is the number of the Gibson house? A. 1602 Thirteenth street.

Q. Do these houses adjoin, or is there a space between them? A. There is a space between them; there is an alley that runs in between Doctor Ames' house and the Gibson house.

Q. Mr. Davis, which way does Doctor Ames' house front? A. It fronts on Thirteenth street, and I think there is an entrance on Q street also; but I am not sure. I think there is.

Q. What is the number of Doctor Ames' house? A. 1600 Thirteenth street.

Q. Mr. Davis, how high is that porch on which you were standing? A. Well, by getting on the porch—and then there is the lattice-work, this was on a level with the Gibson house—you can get up high enough to look into the second story.

Q. Mr. Davis, what is the height of that porch, in feet? How many feet high from the ground is it? A. I guess it is about twelve or fifteen feet, and there is the lattice-work where it is framed up, you know.

Q. Do you mean, Mr. Davis, that the lattice-work runs above
27 the porch, or is it twelve or fifteen feet from the floor? A. It is about fifteen feet from the floor of the porch to the ground.

Q. Mr. Davis, is the lattice-work above that or on a level with it? A. The lattice-work runs all the way up. There is a platform, where you go into the back yard, and there is a basement door that goes down into the cellar, like. There is also a back yard, and a gate goes out into the alley from this side yard, and when you come up to the house there is a stone step that goes down to the basement of the house, and there is a water-closet right in the corner as you go into Doctor Ames' door, in the basement. Then this porch is right over that.

Q. Mr. Davis, are there any windows in this Gibson house, on the side next to Doctor Ames' house? A. Yes, sir; there are windows all along.

Q. How many? A. Well, I could not say how many, but there are windows along every story, and the house stands right on the corner there, and there are from three to four windows in each story on this alley. You can look out of Doctor Ames' windows into the windows of this house of Gibson.

Q. You say that this house, the Gibson house, is on the corner; on the corner of what do you mean? A. On the corner of the alley and Thirteenth street.

Q. Do you mean the alley that separates Doctor Ames' house from the Gibson house? A. Yes, sir.

Q. Now, Mr. Davis, from where you were standing, on the porch
of Doctor Ames' house; the porch that you have told us
28 about, is there or is there not any obstruction or anything that would break off your view between there and the Gibson house? A. No, sir; not a particle.

Q. Mr. Davis, about what time was this occurrence you have just told us of? A. It was somewhere around the 6th, 8th, or 10th of June.

Q. In what year? A. In 1898.

Q. Did you ever notice anything else on any other occasion? A. Yes, sir; I have seen the same conduct in August.

Q. Just tell us, Mr. Davis, what you actually saw in August.

A. I saw this conduct a half dozen different times with this woman; I saw them making very freely with this colored girl just the same as man and wife would do.

Q. Where were you when you saw this? A. I was on Doctor Ames' porch.

Q. The same as the first time? A. Yes, sir.

Q. Mr. Davis, was anybody else ever with you when you witnessed these performances? A. Yes, sir; John C. Green was with me at one time, and also Officer Martin.

Q. Was Officer Martin with you in the month of August when you saw the occurrence? A. Yes, sir.

Q. What did you see on this occasion in August? A. I saw this man on top of this woman, on the lounge, and——

29 Q. Mr. Davis, I want you to state what happened particularly on this time in August that you have mentioned. A. How is that?

Q. I want you to state in detail what happened on this time in August that you mention. A. Well, I saw him waltzing around the room with this woman, Hattie Wise; I saw him standing at the window with her, first, and then I saw him pull down the curtain for a few minutes; with his arm around her waist. On one occasion I saw him on top of her, with only something like a shirt on—an undershirt.

Q. Mr. Davis, do you know whether or not this lounge on which you say you saw Mr. Gibson and this girl, Hattie Wise, was in the bed-room? A. I could not say positively. I am not acquainted with the inside of the house. I was never inside of it. I could not say whether it was in the bed-room, in the library, or where. I do not know the location of the house on the inside.

Q. Mr. Davis, were they dressed just before they pulled the shade down? A. Well, he was dressed in this white jacket, like, you know, in his shirt sleeves. She had a kind of red shirt; it looked dark; and they were standing up together, right inside of the window, with his arm around her waist, and then they pulled down the curtain.

Q. Is that the same room where you saw the parties on the lounge? A. Yes, sir; the same room; only it was a different time, you know.

30 Cross-examination.

By Mr. JEFFORDS:

Q. Was Martin there? A. Yes, sir; he was there.

Q. Was he there when the shade was pulled down? A. Yes, sir.

Q. After the shade was pulled down you do not know what happened? A. No, sir.

Q. That occurrence was in August? A. Yes, sir.

Q. Martin was there with you? A. Yes, sir.

Q. Were you standing on the floor of that porch which you mentioned? A. No, sir; I was up on the railing; I guess as high as this desk (indicating) from the floor.

Q. And the floor is about how high from the ground? A. It is about from the bottom of that picture frame there (indicating) to the ground. Yes; it is every bit that high, if not more.

Q. You were standing on the floor of the porch? A. No, sir; I was standing on the rail.

Q. You climbed up there—what for? A. I came up there purposely to see what was going on in the house.

Q. Who advised you to do that? A. The people, generally, around there.

Q. What are their names and addresses? A. Doctor Ames, of Thirteenth and Q streets.

31 Q. Give the names of some others. A. Well, no one particularly outside spoke to me about watching the house.

Q. Is Doctor Ames the only person who asked you to watch the house? A. Yes, sir.

Q. Where was Doctor Ames while you were standing on the rails of this porch? A. He was upstairs; I suppose in the library.

Q. Where was Officer Martin at this time? A. He went upstairs in Doctor Ames' house.

Q. What did he go up there for? A. He was called up by the Doctor to see if he could see the house better.

Q. Could he? A. No, sir.

Q. Did Martin climb up—— A. He was on the balustrade with me.

Q. How many times was Martin there with you, on this back porch? A. Two or three times.

Q. Was he there when you say you saw the man on top of the woman? A. Yes, sir.

Q. Was he standing on the rail? A. Yes, sir.

Q. And looking in the window? A. Yes, sir.

Q. Was this daytime or night-time? A. It was night-time.

Q. What time of night? A. About nine or ten o'clock; somewhere along there.

32 Q. What day? A. Along about the fifteenth or sixteenth, or somewhere along there.

Q. What month? A. August.

Q. What year? A. 1898. Of course, I did not know these people at that time.

Q. You did not know them at that time? A. No, sir; I did not know them; I did not know anything would come out of this, any lawsuit or anything, and I did not bother about keeping the exact dates.

Q. When did you first meet Mr. and Mrs. Gibson? A. I did not meet Mrs. Gibson until after the detectives were working on this——

Q. After what? A. After the detectives——

Q. What detectives? A. Block, I believe, had the case in charge. He tried to find out some facts.

Q. When was it that Detective Block took this matter in charge? A. I do not know; I could not tell you that. It was along, I think, in June or July; somewhere along there.

Q. In what year? A. In 1898.

Q. Do you know Detective Block? A. Yes, sir.

Q. Did you see him, or did he see you, about this matter? A. Why, he sent for me.

33 Q. Did you go to see him? A. I did.

Q. Where did you go? A. Around to his office.

Q. When was that? A. That was in June.

Q. June, 1898? A. Yes, sir.

Q. How many times did you see Block? A. Only once.

Q. Well, when did you meet Mrs. Gibson? A. I never met her until—let me see, it was in August, along about the latter part of August, when I met Mrs. Gibson, as near as I can remember.

Q. August, 1898? A. Yes, sir.

Q. Where did you meet her? A. I met her on the street, at Doctor Ames' gate, coming out of this house of Gibson.

Q. Was she living there at the time? A. Yes, sir.

Q. You had not known her until that day? A. No, sir; I might have seen her, but not to know her.

Q. When did you first meet Hattie Wise to know her? A. I met her along about a year or so ago. I met her on Vermont avenue, in front of 1110 or '12, at night between twelve and one o'clock.

Q. What year? A. That was in 1897.

Q. At what time in 1897? A. I think it was along about
34 September, but I am not positive. I was called there by a party in the house; that there was a burglar in the house. It was me and another constable. I think his name was ——; I never asked his name, but I think that was his name. That was the first time I saw Hattie Wise.

Q. Who told you who she was at that time? A. No one told me that.

Q. How did you know it was Hattie Wise? A. I did not know it was Hattie Wise at that time.

Q. When did you first see her at this Gibson house? A. I saw her there a number of times.

Q. A number of times? A. Yes, sir.

Q. When did you first see her there? A. Along in June, 1898, I think.

Q. Who told you then who she was? A. Why, this Mr. Henry Yost who keeps the store where she dealt at.

Q. Who were these other men who were in the house? A. One was named Beck, one man by the name of Talbert, and I forget the other man's name.

Q. How many others were there? A. Three.

Q. Besides Mr. Gibson? A. Yes, sir.

Q. Well, you met Mrs. Gibson on the street in front of Doctor Ames' just as she was coming out or had come out from her house?

A. Yes, sir.

Q. How long had she been living there then? A. That I could not say.

35 Q. Did you know when she went there? A. I do not think when Mr. Gibson rented that house—I do not think that Mrs. Gibson was there; no one but this Hattie Wise.

Q. Do you know when Mrs. Gibson went there? A. No, sir.

Q. Do you know when she went away? A. She went away in August, along about the twentieth of August, I think.

Q. I suppose you mean in the year 1898? A. Yes, sir.

Q. Do you know whether she was there all the time or not? A. I could not say; I do not know.

Q. How many times did you see, as you say, Mr. Gibson on top of Hattie Wise? A. Well, I saw him there on top of her twice, at two different times.

Q. When was this? A. The first time was long about the sixth, eighth, or tenth of June, and then along in August.

Q. You mean in the year 1898? A. Yes, sir.

Q. And you were standing on top of this rail you mention on Dr. Ames' porch when you saw this? A. Yes, sir.

Q. And on one occasion Officer Martin was there with you? A. Yes, sir.

Q. On the other occasion who was there with you? A. No one but myself.

36 Q. On the occasion that the curtain was pulled down you do not know what happened inside? A. No, sir.

Q. On the other occasion the curtain was in what condition? A. Just the same as any other of these curtains (indicating)—hoisted up.

Q. And what about the light in the house? A. It could not have been lit any brighter than it was lit up; almost as bright as an electric light.

Q. Did you do some work in this case as a private detective? A. No, sir.

Q. When did you first meet Mr. Gibson? A. I never met Mr. Gibson at all until I met him at the house there.

Q. Where? A. At No. 1602 Thirteenth street.

Q. When did you first meet him? A. Along about the first of spring—along May or June—when they used to sit out in the garden. I used to pass along there.

Q. Did the other gentlemen sit out there? A. Yes, sir; sometimes.

Q. Who told you which one was Gibson and which one was Beck, and which one was Talbert, and what the names of the other gentlemen were? A. I heard them talk over at Yost's store and tell who they were.

Q. Who talked over at Yost's store and told you the names? A. Mr. Yost and the boys who work there.

37 Q. Did he point out the men that were known by each of these gentlemen's names? A. No, sir; but I was shown Mr. Gibson's photograph by Mrs. Gibson.

Q. When did that happen? A. Along about the 15th of August.

Q. You had not seen him on top of that girl you mention at that time? A. Yes, sir; before that.

Q. How did you know you had? A. How did I know what?

Q. How did you know you had seen Mr. Gibson? A. I knew him by his mustache and goatee; none of the other men had a mustache or goatee; I recognized the man with the goatee and the mustache; he was laying on top of this woman; afterwards I was shown this photograph, and recognized the same man.

Q. Where was Mrs. Gibson when she showed you this picture? A. On the street, at Thirteenth and Q streets.

Q. In front of Dr. Ames' house? A. Yes, sir.

Q. Fix that time as near as you can. A. The first day as when I first met her, in August or June.

Q. Which do you mean? A. In the latter part of June or August.

Q. Was she living there at that time? A. Yes, sir.

Q. Was that the first time that you had known which one of those gentlemen was Mr. Gibson? A. No, sir; I was—you mean the first time I saw him with this woman?

38 Q. When Mrs. Gibson showed you the photograph was that the first time you knew which of the gentlemen was Gibson?

A. There were two photographs, and there was Beck and Mr. Gibson on one photograph—one tin-type—and I picked Mr. Gibson out after Mrs. Gibson told me who the men were on the picture, and that was the man I saw with this woman, and she said that was her husband.

Q. Have you ever met Mr. Gibson at all? A. I have passed him on the street, but have never spoken to him.

Q. Do you know him? A. Know him when I see him.

Q. Can you tell whether this was a bed or a lounge that they were on? A. It looked to me, from the distance, like a lounge.

Q. Well, you could see plainly? A. I could not say whether it was a small bed or a large lounge, and if it was a lounge it was a large one.

Q. What color was it? A. I could not tell, as bed clothing was over it. It might have been one of those cots. I was never in the house upstairs.

Q. On what side of the room was it? A. It was on the northwest side.

Q. Were you ever in that room? A. No, sir; I say I was never in the room. I do not know whether there was three or four rooms in the second story, but it was about the middle of the house.

39 Q. What window were you looking in? A. The window opposite the second story.

Q. The which window? A. The window on the second floor; I think it is the second window from the bay window; the second window from Thirteenth street and on the second story.

Q. And the bed or lounge—you do not know which that was—was in the northwest corner of the room? A. Yes, sir.

Q. And which way was the head of the lounge or bed? A. It was facing north; north, the head; feet, south.

Q. Was there a white spread or counterpane on the bed or lounge? A. I think not.

Q. What color was the bed? A. It looked to me kind of reddish.

Q. Did you see any of the wood-work of that bed or lounge? A. Yes, sir; I did.

Q. You are not able to tell whether it was oak or walnut? A. No, sir. It was all covered up.

Q. Was there any head-board or foot-board? A. That I could not say. There could not have been a head-board there; that is the reason I said it was a lounge. It looked as if there were a couple of pillows on the head of it.

Q. Was the window directly in front of you? A. Yes, sir.

40 Q. Was the lounge or bed directly in front of the window?
A. Yes, sir; it was just about the same as that window (indicating to a window), and it was almost in a bee-line from me.

Q. And the persons' heads were right toward you? A. No, sir; they were from me. Their feet were toward me.

Q. Their feet were toward the window? A. Yes, sir.

Q. And the girl was lying on the lounge? A. Yes, sir; she was laying on her back on the lounge.

Q. On which end of the lounge or bed were these pillows? A. On the north end of the lounge.

Q. At the foot or at the head? A. At the head.

Q. Were they lying with their heads towards you? A. No, sir; they were lying with their feet toward me.

Q. Their feet were then toward the north? A. No, sir; toward the south.

Q. Their feet were then toward the south? A. Toward the south.

Q. Toward the north? A. No, sir.

Q. Where is that photograph? A. Mrs. Gibson has it, I guess.

Q. How long did you have it? A. I had it, I guess, about a week.

Q. What were you doing with it for a week? A. I was up all night and I used it one day, and the reason I did not give it back to Mrs. Gibson was that I did not see her until a week afterwards.

41 Q. Whom did you show the photograph to? A. I showed it to a conductor on the Brightwood Avenue road.

Q. What for? A. He said——

Q. No; not what he said. I want to know why you showed it to him. A. To see if he knowed the man; whether he had ever seen him.

Q. Who was the conductor? A. His name is——

Q. First name? A. I do not know what his name is—Edward—or what; he is a young man, and some relation to Officer Matthews.

Q. Who else did you show the photograph to? A. Well, I believe to Mr. ex-Detective Tramell. He is a private detective now, and used to be on the detective force, at the time when Block and all those were on the force.

Q. Why did you show it to Tramell? A. I was requested to do so by Mrs. Gibson.

Q. Who else did you show it to? A. I do not know, and could not name any one in particular. My wife saw me with it, at my house, and she asked me who it was——

Q. Did you show it to any one else that you can recall? A. Not that I know of.

Q. Well, now, you swear that you saw Gibson commit adultery with Hattie Wise? A. No, sir; I could not say positively
42 that I saw him commit adultery, but he laid in the position with her of a man staying with a woman. Of course I could not swear——

Q. And you saw that position how many times? A. Twice.

Q. Once in June? A. Yes, sir.

Q. And once in August? A. Yes, sir.

Q. And you never knew who Gibson was until his wife showed you the photograph? A. Yes, sir.

Q. And you do not know whether Gibson's wife was living with him in the house at that time in June? A. No, sir.

Q. And you do not know whether Mrs. Gibson was living in this house with her husband in August or not, do you? A. No, sir; I could not say. She was living with her husband; she was in the house, though——

Q. Do you know whether she was in the house on these two occasions or days which you mention? A. No, sir; I do not. There was only one time that I saw Mrs. Gibson, and that was the night which she came out of the house.

Q. You say you are not doing any private detective work or have not done any private detective work in this case for Mrs. Gibson? A. What is that?

(Question is read to witness.)

A. Yes; I could say that I did.

43 Q. You work for her for pay? A. No, sir.

Q. You work for her without pay? A. Yes, sir; all I did I did through justice, to see everybody get justice, and on my own hook. Mrs. Gibson never gave me any money, and never promised to give me any money.

Q. Who first told you the name of Hattie Wise? A. Well, I could not say that.

Q. What is that? A. I could not say that. I have heard so many call her name that I could not say which was the first.

Q. How long did you watch at that house? A. Nearly the whole summer.

Q. Did you take notice of persons who went there? A. Well, Mr. Jeffords, I was not there in the day time. I was there only in the

night. My time ran from seven in the evening—all night. At daytime, of course, I was home asleep. I was up all night and I had to rest in the daytime. What happened in the daytime or what went on I do not know.

Q. Are you the same Davis who has been convicted of offences in the police court? A. I am the same man, I guess.

Q. What crimes and offences have you been convicted of in the police court? A. I refuse to answer anything having no connection with this case.

By Mr. WRIGHT: You need not answer that.

Q. What crimes and offences have you been convicted of in the District of Columbia? A. I refuse to answer that, also.

44 Q. What crimes and offences have you been convicted of in other jurisdictions? A. I refuse to answer that.

Q. How many times have you been convicted of crimes or offences in the District of Columbia?

By Mr. DOUGLASS: We object to the question on the ground that the record is the best evidence.

A. I refuse to answer any question outside of this case. I have been held responsible for things here that I was not guilty of—once for shooting a dog.

By Mr. JEFFORDS:

Q. How old are you? A. I will be sixty-one years old the 27th day of March.

Q. How long have you lived in the District of Columbia? A. Thirty-eight years.

Q. What was your home before that time? A. Chambersburg, Pennsylvania.

Q. Have you any doubt whatever about your identification of Mr. Gibson and Hattie Wise on both these occasions? A. No, sir I do not think that I could be mistaken.

HENRY S. DAVIS.

Adjourned, by agreement, until Thursday, the 11th day of January, 1900, at 2 o'clock, at the same place. Redirect examination of this witness postponed until that time.

45

SATURDAY, *January 13th*, 1900.

Met, pursuant to agreement between counsel, at the same place, Saturday, January 13th, 1900, at 2 o'clock p. m.

Present: Same counsel.

Whereupon JOHNSON WEST, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, deposes and says as follows:

By Mr. DOUGLASS:

Q. Mr. West, where do you live? A. I live at 2529 Fifteenth street; that is my home. I work for Rev. John G. Ames, 1600 Thirteenth street.

Q. How long have you been working for Mr. Ames? A. Going into the fourteenth year, now.

Q. Fourteen years? A. Yes, sir.

Q. You were working for him, then, in 1898 and 1899? A. Yes, sir.

Q. And working for him now? A. Yes, sir.

Q. What are your duties there? A. Butler.

Q. Have you been working for him in that capacity ever since you have been with him? A. Ever since I have been there; yes, sir.

Q. You are around the house during the day time and night?

A. Yes, sir; during all the time. No, sir; not all the day.

46 Q. Most of the day? A. Yes, sir; most of the day.

Q. Do your duties require you to be there at all at night? A. Not later than eight or nine o'clock.

Q. Were you ever there later than that? A. I was not compelled to stay there any later than eight or nine o'clock, but I have been there later.

Q. What was the number of the house on Thirteenth street just north of Rev. Mr. Ames' house? A. 1602.

Q. Who lived there in 1898 and 1899? A. I think a gentleman by the name of Gibson.

Q. Anybody else stay in the house? A. There were two other gentlemen there, and a servant.

Q. What were the names of the other gentlemen; do you remember? A. I think the other gentleman's name was Mr. Beck, but I cannot recall the name of the other gentleman.

Q. Was it O'Laughlin? A. I think that is the name.

Q. Did you know these three gentlemen by sight? A. Yes, sir.

Q. What kind of a looking man was Gibson? A. He was a man about medium height, and he was a good-looking man.

Q. Was he slightly or heavily built? A. Quite heavily built.

Q. About what age? A. I think between forty-five and fifty years old.

Q. Have any whiskers or mustache? A. He had a grey goatee, and a mustache rather grey.

47 Q. You know Mr. Gibson by sight, then? A. Yes, sir.

Q. Did you know him by sight in 1898 and 1899? A. Yes, sir.

Q. Did you ever have any special reason for knowing that his name was Gibson when he lived in this house during this time, 1898 and 1899? A. No, sir. I had no special reason for it, but I know his name was Gibson by a package that came to the house by mistake, and it was marked Gibson, and I carried it to the house.

Q. Was that in 1898? A. Yes, sir.

Q. Do you recollect to whom you delivered the package? A. Yes, sir.

Q. To whom? A. The colored girl.

Q. What was her name? A. I did not know her name at that time, but since then I have learned her name is Hattie Wise.

Q. Hattie Wise? A. Yes, sir.

Q. You stated awhile ago that a servant girl stayed there, too, when you were describing the number of people who stayed there; what is the name of the servant girl who stayed there in 1898 and 1899? A. Hattie Wise.

Q. Since you carried that package there in 1898, have you or have you not known Mr. Gibson by sight? A. Yes, sir.

Q. Did he live in that house throughout 1898? A. Yes, sir.

48 Q. Was he living there in 1899? A. I think he was living there in 1899; I am not sure; but I know he was living there in 1898, and I think he was living there in 1899; but I do not know certainly when he moved there.

Q. How far is Dr. Ames' house from the Gibson house? A. How far is the house——

Q. Yes, sir. A. I suppose—let me see—they are not over forty feet apart.

Q. Does it not adjoin the Gibson house? A. No, sir.

Q. What separates it from the Gibson house? A. An alley.

Q. How wide is that alley? A. I guess it is about twelve feet.

Q. How do you make it that the houses are forty feet apart? A. I think our yard is thirty feet deep.

Q. What is the character of Rev. Mr. Ames' house at the point of it next to the Gibson house? Is it a straight wall, or is there any porch, or anything of that sort? A. In the back of it?

Q. Yes, sir. A. Well, there is a straight wall, and also a back porch.

Q. Back porch? A. Yes, sir.

Q. Are there any windows in the Ames house, in the portion which is next to the Gibson house? A. Yes, sir.

49 Q. How is that back porch that you refer to protected? Has it any enclosure or anything around it—any lattice-work or anything of that sort? A. Yes, sir; lattice-work.

Q. Does the lattice-work run up from the floor of the porch to the top? A. No, sir; it does not go up from the floor. There is a banister around the porch, and then there is a lattice-work from the top of the banister up to the top of the porch.

Q. Does the Rev. Mr. Ames' house face and front on Thirteenth street? A. Yes, sir.

Q. Is it a corner house? A. Yes, sir.

Q. Corner of what streets? A. Corner of Thirteenth and Q streets.

Q. Has it any entrance on Q street? A. No, sir; the entrance is on Thirteenth street.

Q. Which way does the house run? Does it run back from Thirteenth street toward Q, or does it run along Thirteenth street? A. It runs along Thirteenth street, and the entrance to the house——

Q. Is it on the corner of Thirteenth and Q streets? A. It is not right on the corner of the street; it is on the Thirteenth Street side.

Q. And the back of the house runs which way; toward Thir-

teenth, toward Q, or up Thirteenth, north? A. It runs north, toward R street.

Photograph showing the Gibson house and the rear portion of Rev. Dr. Ames' house introduced in evidence and marked Exhibit A, with the understanding that the photographer will be called to testify as to the accuracy of the photograph.

50 By Mr. DOUGLASS:

Q. Now (showing the witness the photograph), there appears to be something like a hedge, or a wall and a hedge, immediately to the north of the porch of the Ames house; is that a hedge and a fence? A. Yes, sir; it is a lattice fence.

Q. Does that fence run north and south? A. Yes, sir; north and south.

Q. The same way Thirteenth street runs? A. Yes, sir.

Q. How high is it? A. About five feet.

Q. Is it that high? A. Yes, sir; about five feet.

Q. Then, is there any entrance from Dr. Ames' yard into the alley which separates his premises from the Gibson premises? A. Any which?

(Question is read to the witness.)

A. Yes, sir; there is a back gate there.

Q. What separates Dr. Ames' house from the alley, at that point, from the gate toward Thirteenth street? A. I do not quite understand you.

Q. Well, you know the alley is not open, so that any one can go from the alley into Dr. Ames' yard, except through a gate. What is there besides the gate which separates the alley from the yard? A. There is a brick wall.

Q. Now, from the gate to the corner of the alley that adjoins on Thirteenth street there is an iron fence? A. Yes, sir.

51 Q. An open iron fence or a closed iron fence? A. Open.

Q. I mean to say that you can see through it? A. Yes, sir.

Q. Now, did you ever see anything of any character going on in this house, the Gibson house, during the years 1898 and 1899—I will say between Hattie Wise and Mr. Gibson? A. Between Hattie Wise and Mr. Gibson?

Q. Yes, sir. A. Yes, sir; I did.

Q. What is the first time you saw anything? A. In May, 1898.

Q. What did you see on that occasion? A. Well, my attention was first called to the house by the loud talking there; that was on Sunday—the first Sunday in May. I was at the window, and I was looking over there, and I saw a white man and a colored girl; they were in there together.

Q. In where? A. In the kitchen of the Gibson house. And this girl was washing dishes, and Mr. Gibson was putting them away for her. He was putting away the dishes; after he got through putting away the dishes he went somewhere and got a bucket of coal and brought it in.

Q. Into the kitchen? A. Yes, sir; into the kitchen. And then he taken the dust-pan and dusted up around the stove, and then he went and washed his hands. After he washed his hands he went to the table where she was standing and put his hands up her clothes.

Q. What did she do? A. She did not do anything at all.

Q. Did she do anything to prevent him from doing it?
52 A. No, sir; she did not do anything.

Q. Did she resist? A. No, sir; she did not resist at all.

Q. What day of the week was this? A. It was on Sunday.

Q. Well, what happened then? A. Then the windows were closed, and they both disappeared out of the kitchen.

Q. Who closed it? A. Mr. Gibson.

Q. How did he close it? A. He shut the blinds.

Q. Then they disappeared? A. Yes, sir.

Q. Well, where were you, now? A. Out at the window.

Q. On what floor? A. Second floor.

Q. Of what house? A. Dr. Ames' house.

Q. At the window looking toward the Gibson house? A. Yes, sir.

Q. What did you next see? A. The next thing I saw, they were up in the third story.

Q. How long after you saw them in the kitchen? A. Two or three minutes.

Q. What did you see there? A. Hattie Wise was up in this room. She had taken a tray out of a trunk, and she put it on the bed, and she was sitting on the bed like she was getting ready to get her clothes out to dress or go out or something, and she was getting

ready to get her clothes out, and Mr. Gibson came into the room,
53 and he walked between her, the bed, and the window, and got right in between her and the window; she was sitting on the bed, and then, I think, she seen me, and pulled the shade down, and that was the last I seen of them that Sunday.

Q. Do you know who occupied that room in May, 1898? A. Yes, sir.

Q. Do you know who slept in the room that year? A. Yes, sir.

Q. Who? A. Hattie.

Q. That was her bed-room that year? A. Yes, sir.

Q. How do you know? A. Because I saw her in the bed.

Q. Did you ever see her more than once? A. I have seen her dress in the room.

Q. That is the last you saw of them that day—that Sunday? A. Yes, sir.

Q. Did you ever see them together afterwards in that house? A. Yes, sir; I have seen them together.

Q. How long after that did you see anything of importance at all? A. I think it was about a month.

Q. Where did you see them then? A. That was downstairs.

Q. Can you point out on this photograph what room they were in on that first occasion you mention when she pulled down the shade?

(Witness is shown photograph.) A. This room right here (indicating).

54 Referring to the affair on the first Sunday in May, witness points out on photograph the kitchen window, marked No. 1. Then witness says, referring to the kitchen, that it was the nearest window to Thirteenth street, No. 2, through which he saw what happened in the kitchen.

Q. Now, where was her room on the third floor, where you saw her pulling down the shade and in her bed-room? A. It is right here (indicating).

Witness points out window, marked No. 3, on the third floor of the house.

Q. Can you show me what window in the Ames house you were in during this affair on the first Sunday in May? A. This picture does not show that window.

Q. You said it was in the second story of the Ames house. A. Yes, sir.

Q. The window looking on toward the Gibson house? A. Yes, sir; in the window at the end of the Ames house—second floor.

Q. Do you know what room Hattie Wise occupied? A. I have had pointed out to me what room she occupied as her bed-room during the last year—of 1899.

By Mr. JEFFORDS: I object to that because it would be what somebody told him.

By Mr. DOUGLASS:

Q. What room did she occupy during the year 1899? A. This one here (indicating).

By Mr. JEFFORDS: I object to that as hearsay.

The WITNESS: This one here, marked No. 4, was pointed out to me as her bed-room.

55 By Mr. JEFFORDS: Counsel for the defendant moves to strike out the answer on the ground that it is hearsay.

By Mr. DOUGLASS:

Q. Now, you have spoken before, when we went into the question of the location of the kitchen and her bed-room, etc., of having seen them together about a month after this first occasion that you mention, on the first Sunday in May; where were they then? A. They were in, I think, the middle room downstairs.

Q. On the first floor, or second floor? A. On the first floor.

Q. Well, now, will you indicate on this photograph where that was? A. Yes, sir.

Witness points out window marked No. 5.

Q. Well, now, what did you see on that occasion? A. Well, it was about nine o'clock, I think—it may have been a little before nine—

Q. In the morning? A. Yes, sir. There were three gentlemen there; they were going out—I think to work. Two of them came out of the house first, and they stopped at the gate, and Mr. Gibson, he did not come out when they did, and I seen him come through the dining-room to this middle room, and Hattie, she was in there, then, dusting.

Q. Hattie Wise, do you mean? A. Yes, sir. And when he got just where she was she had a bouquet in her hands; she put it in his button-hole, in his coat, and he kissed her and went out.

Q. Well, you saw nothing else on that occasion? A. No, sir.

56 Q. You say that was about a month after the first time?
A. Yes, sir.

Q. Have you ever seen anything else between Hattie Wise and Gibson; except the two occasions that you have mentioned? A. Well, not particularly; nothing that I think anything out of the way; only I seen him there several times, helping her to clean up and hang pictures.

Q. You have seen him help her to clean up by themselves? A. Yes, sir.

Q. How often? A. Well, I could not say how often.

Q. Why not? A. Because I have never taken any account of it at all—because I did not think anything of it particularly.

Q. Well, on more than once occasion other than those that you have mentioned? A. Yes, sir; I think so.

Q. Did you see any other women in that house at different times? A. I have seen another girl there with Hattie—a colored girl.

Q. But in connection with Mr. Gibson? A. Well, I have seen women there in the house, but I do not know who they were.

Q. White or colored? A. Well, it was in the night and I could not tell whether they were white or colored, but I think they were white.

57 Q. Ever see anything else in connection with this house during the years 1898 or 1899 that was wrong or appeared to be wrong? A. No, sir.

Q. Ever see any drinking or any carousing or anything of that sort on the premises? A. Yes, sir; they used to drink and make a lot of noise there, because that was the time Mr. Davis and the other policeman was around there watching the house.

Q. What time was it that Mr. Davis and these other people were watching the house? A. This particular time it was at night, about nine o'clock. I was going home.

Q. What year? A. I think it was 1899, but I do not remember exactly.

Q. Was it the same year that you saw these affairs that you have described? A. Let me see. Yes, sir.

Q. The same year? A. Yes, sir.

Q. What time of the year? A. I think it was late in the fall. I am not—

Q. Do you know whether Davis and Martin were there in the summer time? A. In the summer?

Q. Yes, sir; in the summer of 1898. A. In the summer of 1898 Mr. Davis used to be around there all the time. I used to see him every night.

Q. Is that the same season that Mr. Davis was watching this house? A. Yes, sir.

58 Cross-examination.

By Mr. JEFFORDS:

Q. Did you speak to Mr. Gibson and talk with him at different times? A. Never spoke to him in my life.

Q. Did you speak to Hattie Wise and talk with her at different times? A. I spoke to her once.

Q. Who told you which of those gentlemen was Gibson? A. I do not just remember who told me. I do not know, but I think it was Mrs. Yost that first told me it was Mr. Gibson.

Q. When were you first told which one was Gibson? Was Gibson there at the time? A. At the house?

Q. There where you were told. A. O, yes, sir.

Q. Was he pointed out to you? A. Yes, sir.

Q. And you think it was by Mrs. Yost? A. I think it was.

Q. Who else told you which one was Gibson? A. I do not think anybody else did.

Q. And the only way you knew which one was Gibson was by what Mrs. Yost told you? A. Well, after she told me that this was Mr. Gibson—and I heard a good deal of talk about him afterwards—of course I always thought he was Mr. Gibson.

Q. The reason you thought so was because Mrs. Yost said
59 so? A. Yes, sir.

Q. When she pointed him out who else was there? A. In the store?

Q. Where he was—where Gibson was? A. I do not know where he was at that time.

Q. You do not know where he was? A. No, sir.

Q. How were you able to tell which man she meant? A. Because I asked her who was the gentleman that lived in the corner house who was dealing with them.

Q. What did she say? A. She said his name was Mr. Gibson.

Q. And he was there at the time? A. No, sir.

Q. You have described Mr. Gibson as a man with a grey goatee and a grey mustache. Did Mrs. Yost tell you that he had a grey goatee and a grey mustache? A. No, sir.

Q. Did she describe him in any way? A. No, sir.

Q. Did you talk with Davis, the special watchman, about this matter? A. No, sir; I never have.

Q. Did you talk with the regular police officer about it? A. Never have.

Q. Who was the regular police officer who was watching the house with Davis? A. That I could not tell you.

60 Q. You do not know his name? A. No, sir. I did not know the policeman's name, but I knew Mr. Davis.

Q. Would you know the policeman now so that you could swear it was he if you saw him? A. Yes, sir—the one with Davis?

Q. Yes. How often did you see this regular officer, the policeman, watching the house with Davis? A. I never seen him there but once, I think; but I used to see Mr. Davis around every night.

Q. For how long? A. Well, as far as that is concerned, I have seen Mr. Davis around there for eight or ten years; I have seen him every night.

Q. For how long a time was he watching the house? A. I do not know when he commenced to watch the house.

Q. Did you know Mrs. Gibson? A. No, sir; I did not.

Q. Do you know her now? A. Yes, sir; I know her by sight.

Q. Where did you meet her the first time? A. I think the first time I met her was at Mr. Ames' house.

Q. When was that? A. It was in the summer of 1898, I think; perhaps in 1899; I do not remember exactly which.

Q. What did she say to you? A. She came there to ask me some questions about the house there. I think it was after they were arrested. I am not certain.

Q. How many times did she see you about it? A. She seen me once.

61 Q. Do you know when she was living in the house? A. 1602 Thirteenth street?

Q. Yes. A. Yes, sir; I remember when she was a living in there.

Q. Well, how long was she living there? A. I could not tell how long she was living in there.

Q. What room did she occupy? A. I could not tell that.

Q. What room did Gibson occupy? A. I do not know, sir.

Q. What room did Beck occupy? A. I do not know, sir.

Q. What room did O'Laughlin occupy? A. I do not know.

Q. How did you know what room Hattie Wise occupied? A. Because I seen her in the room.

Q. When did she change her room from the third floor to the second floor? A. Well, to my knowledge, she did not change until after Mrs. Gibson came there. She probably changed before, but I did not know she had changed until I seen Mrs. Gibson at the house.

Q. Before Mrs. Gibson came, Hattie Wise was on which floor? A. On the third floor.

Q. And after Mrs. Gibson came, Hattie was on which floor? A. Well, it was pointed out to me on the second floor, but I did not know anything about it.

62 Q. Who pointed it out to you? A. I do not remember who told me about it; I think it was mentioned here, or somewhere, that she was on the second floor.

Q. Mentioned here—where do you mean? A. Here, in this room.

Q. Who told you in this room that Hattie Wise changed from the third floor to the second floor, and occupied a room there? A. They did not tell me that that was her room; they asked me if that was her room; I never seen her in that room.

Q. Who asked you that? A. I think it was one of these gentlemen who asked me if that was her room, or was her room on the third floor.

Q. Well, who told you that her room was on the second floor? A. I never was told that her room was on the second floor; I was asked whether her room was on the second floor.

Q. Who asked you that? A. I think one of these gentlemen asked me whether that was her room (referring to counsel for complainant).

Q. And you did not know, then, whether she occupied that room? A. No, sir.

Q. And you do not know now? A. No, sir.

Q. Tell me what time Mrs. Gibson came there. A. I do not know, sir.

Q. Tell me what time she went away. A. Well, I do not know exactly when she went away.

63 Q. Who were the other colored girls or colored girl that were in this house at any time? A. I do not know who she was at all.

Q. Who were the other white girls or women who were in this house at any time? A. I do not know who they were.

Q. How often were any of them there? A. I think about once a week; they used to always have a good deal of people there. I do not know—I won't say a good deal—they used to have people there and made a good deal of noise.

Q. When you say you saw Hattie Wise put the bouquet in Gibson's coat and saw him kiss her, how did you know whether it was Gibson, or O'Laughlin, or Beck, or either of the gentlemen who were living there? A. Well, the two small gentlemen were out on the sidewalk and Mr. Gibson was in the house.

Q. How do you know it was Gibson? A. I know him. He was pointed out to me as Mr. Gibson.

Q. Who pointed him out to you? A. Mrs. Yost.

Q. When did Mrs. Yost point him out to you? A. I do not remember exactly when it was.

Q. Where was she and where was he at the time she pointed him out? A. I do not know where he was, but Mrs. Yost was in the store, and I was, too.

Q. But you do not know where Gibson was at the time? A. I do not mean to say that she pointed to him and told me that was Mr. Gibson.

64 Q. What do you mean? A. I mean to say that I asked her who were the people that lived in the corner house. I knew they were dealing there, and so was I; and, to find out who the neighbors were, I asked her.

Q. And she said? A. His name was Mr. Gibson. She said he was a clerk for some congressman. I think she said that.

Q. Did you know that the other gentlemen in the house were also clerks for some congressmen? A. No, sir.

Q. Have you told us, now, the way you identify Gibson? A. The way I identify him?

Q. Yes, sir. A. Yes, sir; I think so.

Q. Who told you the name of Hattie Wise? A. I do not know who told me that girl's name was Hattie Wise, now.

Q. When were you told what her name is? A. I think it was in the police court. I do not think I ever—no, I do not. I think one of the servants in our house heard her name called and told me her name.

Q. Is that the only way you know the name of Hattie Wise? A. Yes, sir.

Q. How often did you see Hattie Wise? A. I used to see her every day.

Q. When one of the servants at your house said her name was Hattie Wise was she present? A. Who; Hattie?

65 Q. Yes, sir. A. No, sir.

Q. The servant at your house told you that the name of the servant in the next house was Hattie Wise? A. Yes, sir.

Q. In whose room was this window on the second floor of the Ames house, from which you saw in the other house what you have described? A. Whose room?

Q. Yes, sir. A. Nobody's.

Q. Was it an unoccupied room? A. It was not a room.

Q. Where was the window? A. It was on the back stairs.

Q. Where on the back stairs? A. Where was the window?

Q. Yes, sir. A. It is a window on each flight of steps; there are three windows—three flights.

Q. And this window was at the landing; on the second story? A. Yes, sir.

Q. How did you happen to be there, watching? A. We had dinner upstairs, on that floor, and to be close to where Mr. and Mrs. Ames were taking their meals—it was warm, and I was standing outside in the hall, at the window.

Q. And the window was open? A. Yes, sir.

Redirect examination.

By Mr. DOUGLASS:

66 Q. Did you ever talk to Hattie Wise? A. No, sir.

Q. Never say anything to her, on any occasion, at all? A. No, sir; only once. I went there to carry a package which was left at our house for this Mr. Gibson, and I asked her whether Mr. Gibson lived there, and she said "Yes," and on another occasion—I think it was on Halloween night—the next morning—the boys carried away the gates, and in going around looking up the gates I got her gate and my gate mixed up, and so I carried the gate there, and she was out looking for it; I carried the gate there, and put it on for her, and she said, "Much obliged to you." So that was the only occasion I have had anything to say to her.

Q. Do you call her by name? A. No, sir. She asked me whether that was her gate, and I said yes, it did not fit ours.

Q. They were the only two occasions that you ever spoke to her? A. Yes, sir.

Q. You said, on cross-examination, that some of the servants of Dr. Ames' house told you her name; told you whose name? A. Hattie.

Q. Were you talking about the servant girl in the Gibson house at that time? A. When they told me her name, we were——

Q. Were you talking about the servant in the Gibson house? A. I think so; I mean to say——

Q. Do you mean to say that you were talking about her? 67 A. As the reason why they told me her name.

Q. When they called her name? A. Yes, sir; that is what I wanted to know. Yes; I think they were teasing me or a friend of mine about her at that time, when they said to me, "West, there is your girl over there." I said, "Who?" They said, "Hattie." That is how I learned her name was Hattie.

Q. Did they mean her name was Hattie Wise or only Hattie? A. I think they said only "Hattie."

Q. When did you find out her name was Hattie Wise? A. I think it was after the case was called.

Q. What kind of a looking woman is she? A. She is a little, small brown-skin woman.

Q. About what age? A. About twenty-five or twenty-eight years old.

Q. I want you to tell me something more about how you identify Mr. Gibson and what you mean by saying that Mrs. Yost did not point him out to you.

By Mr. JEFFORDS: He has been all over that.

By Mr. DOUGLASS:

Q. From what Mrs. Yost said to you, how do you know that this particular man, with the iron-grey mustache, was Mr. Gibson instead of the other two men?

The WITNESS:

A. Because he was the head of the house and used to go over there occasionally and do the marketing himself sometimes.

Q. Did Mrs. Yost tell you what sort of a mustache he had? A. No, sir; she did not.

68 Q. Did either of the other two gentlemen do any marketing over there that you know of? A. I never saw any of them over there; no, sir.

Q. But you say you did see Gibson over there? A. I did not see him go over there over once or twice; but after they moved there I seen him over there, and I asked Mrs. Yost who they were, because I knew she would know, because they had a book over there.

Q. Did you ever see Hattie Wise and Gibson, both, over there? A. No, sir; I used to see them down at the Centre market.

Q. Together? A. Yes, sir.

Q. When? A. I don't know exactly when; but I used to see them, I guess, twice a week——

Q. Together? A. They used to deal there at Pickford's, Ninth street and Pennsylvania avenue; I think that is the name.

Q. What year was that? A. 1898.

Q. Did you appear at the police court as a witness summoned in the case against Mr. Gibson and Hattie Wise? A. I appeared there.

Q. Did you see the man who was charged down there on that occasion? A. Yes, sir.

Q. I mean the man who was charged with this offence at the police court? A. Yes, sir; Gibson.

Q. You saw him down there? A. Yes, sir.

69 Q. Was or was not this the same man that you have described as Mr. Gibson? A. Yes, sir.

Q. Was he the same man that you saw, both in the kitchen and in the bed-room, on these occasions that you mention? A. Yes, sir.

Q. Was this the same man you saw put his hands up her clothes, and in her bed-room? A. Yes, sir.

Q. And was he the same man on whose coat you saw her pin the bouquet of flowers? A. Yes, sir.

Q. And the same man that you saw kiss Hattie Wise? A. Yes, sir.

Q. You spoke, on your cross-examination, of people gathering there frequently—men and women; do you know whether any drinking went on, or any—— A. I never stayed there at night or——

Q. Did you see any signs of drinking? A. I saw them carry beer there.

Q. How often? A. Usually, three times a week; I saw the beer wagon stop there.

Q. You spoke about seeing Mr. Davis around there nearly every night; do you mean on the premises of Mr. Ames, or around the street, in that locality? A. More or less, I saw him on the premises of Mr. Ames.

Q. Do you know whether or not he was employed by Mr. Ames to watch the house? A. No, sir; he was not.

70 Q. Was he a policeman, or a private watchman? A. He was a private watchman; but he made it a point to come around and close up our gates.

Q. Well, do you or do you not know whether or not Dr. Ames paid him for his services, so far as watching his premises—— A. For watching his premises?

Q. Yes, sir. A. O, yes, sir.

Recross-examination.

By Mr. JEFFORDS:

Q. When you saw a man with Hattie Wise, at the market, you supposed it was Gibson, because Mrs. Yost had told you he was living over there—dealing there? A. Yes, sir.

Q. That is the reason you supposed it was Gibson? A. Well,

when I seen them at the market I knew it was Mr. Gibson, then, without referring to Mrs. Yost.

Q. How did you know that? A. Because I carried a package to them that was addressed to Mr. Gibson.

Q. When you carried the package, did you see Mr. Gibson? A. No, sir.

Q. But because the package was addressed to Mr. Gibson, then, you knew yourself that Mr. Gibson lived there? A. Yes, sir.

Q. And Mrs. Yost had said that Gibson was the name of the man who was dealing at their store? A. Yes, sir.

71 Q. And so, when you saw him at the market or when you saw a man at the market with this servant girl, you supposed, of course, it was Gibson? A. Yes, sir.

Q. That is the way you knew? A. Well, he was the same one that I had seen in the house with her, and the same one I saw in the market.

Q. Did you see Mr. Gibson at the police court? A. Yes, sir.

Q. What did you see him do? A. What did I see him do?

Q. Yes, sir. A. I saw him come in the court-room and sit down.

Q. How many times did you see him at the police court? A. Once.

Q. Did you see him do anything besides go in and sit down? A. No, sir.

Q. And when you saw him you knew that that was the same man you had seen at the market? A. Yes, sir.

Q. And was the same man that you had seen in the kitchen and in the bed-room, before, and in the middle room, having the bouquet put on him? A. Yes, sir.

Q. And you knew it was Gibson because Mrs. Yost had told you so? A. Yes, sir.

Q. Now, when these girls at Doctor Ames' house were joking with you about your girl and said to you, "There is Hattie; there
72 is your girl," could you see Hattie at that time? A. No, sir.

Q. You thought they meant the girl at the next door? A. I know they did.

Q. How do you know they did? A. Because they were always joking me about her.

Q. She was not your girl, was she? A. No, sir.

Q. This girl that you speak of as Hattie Wise is not a woman old enough to be a widow, with a family of children? A. I do not know, sir.

Q. How? A. I would not like to say. I do not know.

Q. Do you know whether or not she is a married woman or a single woman? A. I do not know, sir.

Q. Do you know whether she has children or not? A. I do not know, sir.

Q. Are you certain that they never had but one colored girl there? A. They had but one colored servant girl there. Another one used to come there two days in the week to wash and iron.

Q. How are you certain that they never had any other colored servant there? A. Because I never saw any.

Q. Is that the only way you know? A. Yes, sir.

Q. How old are you? A. I am thirty-one years old.

JOHNSON WEST.

Adjournment.

73

WEDNESDAY, *January 17th*, 1900.

Met, pursuant to agreement, at the same place, Wednesday, January 17th, 1900, at 3 o'clock p. m.

Present: Same counsel.

Whereupon HENRY S. DAVIS was called for further cross-examination—

By Mr. JEFFORDS:

Q. In your examination the word photograph has been used and the word tintype; did you have more than one picture? A. There was just the one tintype, Mr. Jeffords, but there were two pictures on that tintype.

Q. Have you that with you now? A. No, sir; I have not. Mrs. Gibson has it, I suppose.

By Mr. JEFFORDS: I will ask counsel now to produce it for the purpose of having the witness identify the likenesses in the picture and marking them.

By Mr. WRIGHT: If Mrs. Gibson has that picture, I will produce it at the next session.

Redirect examination.

By Mr. WRIGHT:

Q. Mr. Davis, you testified, on your cross-examination, about meeting Mrs. Gibson, in answer to a question from Mr. Jeffords, in August, 1898. I want to ask you if you were correct in that statement.

A. I made a mistake in the year.

74 Q. When was it that you first met her? A. It was in April, 1899, that I met Mrs. Gibson first.

Q. Now, Mr. Davis, how do you fix that it was in April, 1899, that you first met her? A. Well, it was last April.

Q. Do you remember when Mr. Gibson was arrested? A. I do.

Q. How long before that arrest was it that you met Mrs. Gibson? A. About three or four days.

Q. That was the first time that you had ever seen her? A. Yes, sir; that is the first time I ever saw her.

Q. Mr. Davis, were you present when Mr. Gibson was arrested? A. I was.

By Mr. JEFFORDS: I object to that; I made no cross-examination on that point.

By Mr. WRIGHT: I do not mean to make that in answer to your cross-examination; I desire to examine him further on that point.

Q. Did you see him the night that he was arrested, Mr. Davis? A. Yes, sir; I did.

Q. Mr. Davis, I want you to state what took place at the arrest of Mr. Gibson.

By Mr. JEFFORDS: I object to that as entirely immaterial.

The WITNESS:

75 A. I met Officer Martin, a very good policeman, who came to me and said——

By Mr. JEFFORDS: Don't tell what he said.

The WITNESS: He said to me he had a warrant for Mr. Gibson and for a girl named Hattie Wise, and he said, "Will you go with me to the house?" I told him that I would, and Officer Tompkins went along also, and they stepped inside of the vestibule door, and I rang the bell at Mr. Gibson's premises. A gentleman—I did not know who he was at that time; I found out afterwards that his name was Beck—put his head out of the window, and I ask- him if Mr. Gibson was there, and he said he did not know.

By Mr. JEFFORDS: I object to all of this for the reasons stated above, and for the further reason that it is hearsay.

By Mr. WRIGHT: You need not tell us what Mr. Beck said.

Q. Did Mr. Gibson come to the door? A. Mr. Gibson came to the door after he was notified.

Q. By whom? A. He was notified by Mr. Beck.

Q. And then he came downstairs and opened the door? A. Yes, sir.

Q. And then what happened? A. Mr. Martin stepped right inside the door and Officer Tompkins also. Officer Martin said to the man, "Is your name Gibson?" He said, "It is." Officer Martin then said, "I have a warrant for your arrest." Mr. Gibson went upstairs then and Officer Martin and Officer Tompkins fol-
76 lowed him up, and Mr. Gibson said, "Hattie," and Officer Martin said, "I have a warrant for the girl also."

Q. Did you see Mr. Gibson, Mr. Davis? A. I did.

Q. Did you hear him say "I am Gibson"? A. Yes, sir.

Q. Were you present at the police court when he was there? A. Yes, sir.

Q. Did you see him there? A. I did not.

Q. Did you see this girl whom Mr. Gibson called the night he was arrested? A. Yes, sir; I saw the girl.

Q. Did you see her in the police court afterwards? A. I did.

Q. Did you identify her, Mr. Davis, as the girl whom you told us in your direct examination that you saw in this room on this lounge or couch with Mr. Gibson? A. Yes, sir.

Q. When you saw Mr. Gibson the night he was arrested did you identify him as the man you had seen in the room with this girl? A. Yes, sir; I did.

Q. Now, Mr. Davis, I will ask you to describe what sort of a looking man Mr. Gibson is. A. He is a man about an inch or so taller than I am. I am five feet six and three-quarters inches. He wore at that time a mustache and a goatee mixed with grey.

Q. About what was his age? A. Well, I could not say. I would take him to be about 48 or fifty—along there.

77 Q. Now, Mr. Davis, will you describe this girl, Hattie Wise? A. Yes, sir; she was what I would call a light-ginger color. She is about five feet three or four inches tall.

Q. About what age? A. She is about twenty-five or thirty.

Q. She is a colored girl? A. Yes, sir.

Q. Mr. Davis, I want you to look at this photograph and show me where you were on that porch when you saw the circumstances you described in your direct examination. (Picture, Exhibit A, is shown to the witness.) A. I was up there (indicating the lattice-work at a point numbered 6).

Q. Were you standing up or sitting down, Mr. Davis? A. I was standing up—straight up—in an upright position.

Q. I want you to indicate on that picture the window from which you saw these circumstances. A. It was window marked No. 7—the second-story window, marked No. 7.

Q. Mr. Davis, in answer to a question on your cross-examination as to when you first met Mr. Block, you said it was in June or July, 1898. I want to ask you whether that is correct. A. It was just a few days before this man was arrested when I met Mr. Block—four or five days.

Q. And he was arrested in the spring of 1899? A. Yes, sir.

78 Q. Now, Mr. Davis; the night Mr. Gibson was arrested, and Hattie Wise also, did you see them get into the patrol wagon? A. I did.

Q. Tell how Hattie got into the wagon. A. He, Mr. Gibson, took her by her arm and helped her into the patrol wagon.

Q. You mean the same as a gentleman would help a lady in? A. Yes, sir.

By Mr. JEFFORDS: I object to that because that calls for a matter of opinion.

Recross-examination.

By Mr. JEFFORDS:

— Who called your attention to your mistakes in your testimony?

A. This gentleman here (indicating Mr. Wright).

Q. When? A. Yesterday.

Q. At any other time? A. No, sir; until I came down here.

Q. What did counsel say to you about your testimony? A. That I had made a mistake in the year.

Q. Why were you present at the time of the arrest? A. I was called there by Officer Martin.

Q. How many times did you see Hattie Wise in the police court? A. I do not know that I saw her there more than once.

79 Q. What did you see her do or say then? A. I did not see her do anything.

Q. What did you hear her say? A. I did not hear her say anything in the police court; the only thing she did there was to give bond.

Q. Where did she give bond? A. In the police court.

Q. Where in the police court? A. In the district attorney's office.

Q. The only time that you saw her in the police court was when she gave bond? A. Yes, sir.

Q. And you were not present then? A. No, sir; I was not present when she gave bond at all.

Q. What did you see her do in the police court? A. I did not see her do anything.

Q. Where did you see her in the police court? A. Coming down the police court steps.

Q. Inside or outside? A. Inside.

HENRY S. DAVIS.

Adjourned, to meet at time counsel may agree upon.

JANUARY 29TH, 1900.

Met, pursuant to notice, at the same place on Monday, January 29th, 1900, at 3 o'clock p. m.

Present: Same counsel.

Whereupon ELIHU R. MARTIN, a witness of lawful — called to testify by and on behalf of the complainant in the above-entitled cause, being first duly sworn according to law, deposes and says as follows:

By Mr. DOUGLASS:

Q. Where do you live? A. I live at No. 1236 H street north-east.

Q. What is your occupation or employment? A. Metropolitan police.

Q. How long have you been on the police force? A. About three years and eight or nine months.

Q. You are now on the police force? A. Yes, sir.

Q. What was your beat during the year 1898? A. During 1898 I run what they call the upper Fourteenth Street beat. It runs in the daytime from M to R streets and from 13th to 15th streets. It takes in the west side of 13th street and the east side of 15th street, and at night-time the regular night beat runs from P street to R street and 13th street to 15th street—the west side of 13th to the east side of 15th.

Q. Do you know the house No. 1602 13th street? A. Yes, sir.

Q. Do you know the house No. 1600 13th street? A. 1600 13th street is Dr. Ames'.

Q. Is that house in the middle of the block or on the corner? A. It is on the corner. The front door opens on 13th street.

Q. On the corner of what streets? A. On the corner of 13th and streets—the northwest corner.

Q. And in the year 1898 and the early part of 1899 who lived in

the house No. 1602 13th street? A. Well, when I first ran across that house it was represented to me to be a bachelors' club, and there were some men living there in the house continuously—right along.

Q. Well, as a matter of fact, as far as your personal knowledge goes, Mr. Martin, who did live in that house in 1898 and the first part of 1899? A. Well, this man Gibson—Charles A. or Charles O. Gibson—I do not know which.

Q. You refer to the defendant in this suit? A. Yes, sir.

Q. Did he live there in 1898 and 1899? A. A portion of 1898 and a portion of 1899; yes, sir.

Q. Was he living there in the summer of 1898? A. Yes, sir.

Q. How long into 1899 did he live there? A. Well, as far as my knowledge of his living there in 1899 goes, it ceased in the latter part of April.

Q. Do you know who else lived in that house? A. There was a gentleman there by the name of O'Laughlin, and a gentleman by the name of Beck.

Q. Did any women stay in there? A. There was a colored woman in there.

82 Q. What was her name? A. Hattie Wise.

Q. What kind of a looking woman was Hattie Wise? A. Well, she was a brown-skinned woman—medium height—fairly neat in appearance.

Q. Describe Mr. Gibson. A. Mr. Gibson is a man, I judge, of about medium height—stoutly built.

Q. About what was his age? A. I judge his age would run from forty-five to fifty.

Q. What whiskers, if any, did he have? A. He had a mustache, and, I think, at that time, a goatee—if I remember correctly. He had a mixed-grey mustache.

Q. Do you recognize in that photograph the picture of Mr. Gibson?

By Mr. JEFFORDS: I object to any photograph being introduced in evidence until it is shown to be the photograph of some one, or unless the witness is qualified to testify as to the manner and where and under what circumstances it was taken.

By Mr. DOUGLASS:

Q. Does this picture (exhibiting picture to witness) contain the man that you have referred to, Mr. Gibson?

The WITNESS:

A. Yes, sir; this one (indicating) is Mr. Gibson.

Witness refers to the party in the light suit, marked No. 1, as Mr. Gibson.

Q. Mr. Martin, I show you a photograph, and I wish you would state whether or not it is a correct representation of the house.

83 By Mr. JEFFORDS: Well, I suppose you are going to have the photographer here——

By Mr. DOUGLASS: Yes, sir.

The WITNESS:

A. Yes, sir; that is almost the house itself, as if it were built; it could not be any truer than that.

Q. And what does the end of the other house in the picture represent? A. Dr. Ames' back porch.

Q. Mr. Martin, how close is Dr. Ames' back porch to the southern wall of the Gibson house? I refer to No. 1602 13th street. A. There is about a sixteen-foot alley in between that and the back of Dr. Ames' yard, and then, I judge, there is about a thirty-foot yard, possibly not that large.

Q. Mr. Martin, at any time during the year 1898 did you see anything that would throw any light on the question as to the relation of Mr. Gibson and Hattie Wise? A. In the year 1898, August 19th, my attention was called to this house as a rough house—that is the first of my ever getting into this case at all—and I watched it for a rough house, and that was my direct intention, and I watched it along during the month of August.

Q. From what point did you watch it? A. Well, my first attempt at watching it was passing through the alley, seeing the lights; then I found that Dr. Ames' gate was open, and I went into his yard. I seen it from 13th street.

Q. You mean you also saw it from 13th street? A. Yes, sir.

84 Q. So you watched the house from the alley, from Dr. Ames' yard, and from 13th street? A. Yes, sir.

Q. The representation of windows by the photograph in the Gibson house, is that correct as to the location of the windows and their number? A. Yes, sir.

Q. Mr. Martin, what does this represent (exhibiting photograph, Exhibit A, to the witness)—this apparent covering over this part of Dr. Ames' house? A. This represents a lattice-work or an arbor; you might term it either one.

Q. Is that over the house or over the porch?

By Mr. DOUGLASS: Counsel for complainant says that he refers to the portion of the picture in the neighborhood of the point number 6, which appears to have some open work of some sort.

The WITNESS:

A. The lattice-work is over the back porch of Dr. Ames.

Q. What is the distance from the ground to the floor of the porch?

A. I judge, possibly three feet; that is as near as I can come to it.

Q. What is the height from the floor to the top of the railing?

A. About two feet six inches or three feet.

Q. How far apart are the strips composing or making the lattice-work? A. I judge eight or ten inches; that is the usual width that they put them.

85 Q. Now, Mr. Martin, did you ever, from any of the three points that you have designated, see anything in this house, especially with reference to Mr. Gibson and Hattie Wise? A. Yes, sir.

Q. When? A. Between the 16th or 20th of August; I do not remember the date exactly. I cast that out of my head for a while.

Q. In the year 1898? A. Yes, sir.

Q. Where were you? A. I was in the rear of Dr. Ames' premises, while I was watching the place for a rough house.

Q. Who was with you? A. McBride and Davis.

Q. Was Davis a private individual, or a watchman? A. He was there as a private watchman, watching after Dr. Ames' place.

Q. What was McBride? A. He was a special officer.

Q. Davis was a private watchman and McBride a special officer? A. Yes, sir.

Q. Indicate on the photograph where you stood. A. Well, as near as I can come to it, I was on the rear of the porch, on an elevation, between the rails; I cannot say exactly the distance, but between the rails, at a point marked No. 6. I was on a level with this (indicating to point marked No. 6).

Q. You were standing up on the lattice-work? A. Yes, sir.

Q. You had crawled up on the lattice-work? A. Yes, sir.

86 Q. Well, were Davis and McBride up on the lattice-work too? A. Yes, sir.

Q. Well, at that time and place did you see Hattie Wise and Gibson at any point? A. Yes, sir; I seen Gibson in the room.

Q. What room? A. In the room that the window marked 7 exposes to the alley.

Q. Who else did you see besides Gibson? A. I seen Hattie Wise in the room.

Q. Was the window up or down? A. The window was up.

Q. Were the blinds open or shut? A. The blinds were open—just as they are now—just as they are in the photograph.

Q. Now, what did you see? A. I seen Gibson, in his undershirt and drawers, in this room; I seen Hattie Wise in the room. I seen Gibson go to her.

Q. How was she dressed? A. She had on a black gown. I seen Gibson go to her—that is, went over to her. I do not want that misconstrued in any way. I seen Gibson go over to her and put his arm around her, and in a stooped position, apparently, from where I was. He looked like he was feeling of her breast.

Q. Where was she, and in what position was she? A. She was lying back on the couch.

Q. In what position was he in? A. He was in a stooping position.

87 Q. What happened next? A. Well, McBride dropped his stick.

Q. You mean his policeman's club? A. Yes, sir. He dropped it on the porch suddenly; it slipped off his pistol; he had it hanging on his pistol, and it made a terrific noise, and at that point the shade was drawn.

Q. Did you see who drew the shade? A. No, sir; I do not know.

Q. How long did you remain there after that? A. I suppose we stopped there ten, possibly fifteen, minutes.

Q. Was the shade raised any time after that? A. Not while we were there at that time.

Q. Mr. Martin, did you ever hear any conversation between Hattie Wise and the defendant Gibson? A. I heard a conversation from that room between—apparently at the time I heard it—a woman and a man. I was going through the alley towards 13th street from 14th street.

Q. Does that alley run from 13th to 14th street? A. Yes, sir; it runs in from Q street or Corcoran street; it is a T alley; it runs in from Q or Corcoran street near 14th. I was going in an easterly direction.

Q. From Corcoran street? A. I entered the alley from Corcoran street, and as I got along under the window I heard this conversation.

Q. Under what window? A. Under the window that is marked No. 7 in the picture.

Q. Is that the same window through which you saw these people that you have described? A. Yes, sir. I heard the remark made,

88 “Why don't you bring some of your lady friends around?”
and the remark by the woman was, “All my lady friends are married, and their husbands might object.” He said, “Oh, hell; that does not make any difference. Let them say they are going out to stay with some sick friend all night.” I walked through the alley, continued out 13th street, and came down in front of Dr. Ames's place, and looked up to the window, and I seen the man whose picture I have identified as Gibson in the room with this colored woman.

Q. Hattie Wise? A. Hattie Wise.

Q. Now, indicate, Mr. Martin, on the photograph, at what point on 13th street you were standing. A. When I looked in the window and recognized them it was at the point marked 8 on the picture.

Q. Mr. Martin, do you know Mr. Gibson by sight? A. Yes, sir.

Q. You have described in your testimony a man and woman who were seen by you through the window marked No. 7, and you have explained about the condition they were in as to their underclothes, etc., and as to this having occurred between the 15th of August and the end of August, 1898. Do you know that that man was Charles A. Gibson? A. By his own acknowledgment to me; yes, sir.

Q. What do you mean by that? A. When I went to serve a warrant on him.

Q. Do you know whether or not the man you saw through that window was the man that was arrested by you? A. Yes, sir.

Q. Do you know whether or not the woman you saw in the room with him is the woman whose name is Hattie Wise, and who was arrested with Mr. Gibson? A. Yes, sir.

89 Q. Mr. Martin, who arrested Mr. Gibson and Hattie Wise?
A. I did.

Q. When? A. The latter part of April.

Q. What year? A. 1899.

Q. How did you effect the arrest? A. I went to the house. The warrant was put into my hands at the six o'clock roll-call, and——

Q. I do not care about the exact details.

The witness continuing: I went to the house and asked—I did not ask, I had a man—I was told that he was trying to effect his way out of town, and I took a man there, in citizen's clothes, with Mr. Davis. I went into the vestibule of the house and got Mr. Davis to ring the bell, and some one put their head out of the window and asked who it was—out of one of the second-story front windows—and Mr. Davis asked if Mr. Gibson was in. The party said he would see, and Mr. Gibson came to the door and I asked him whether he was Mr. Gibson—Mr. Charles O. Gibson or Charles A. Gibson, whichever one it was—and he said, "Yes." I told him then that I had a warrant for him.

Q. Was he the man you arrested? A. Yes, sir; he is the man I arrested.

Q. Now, did you arrest this colored woman, Hattie Wise? A. I asked where she was at and told them I had a warrant for her also. They said she was in the back room, and I started to go in the back room to notify her, but some gentleman in their notified her.

90 Q. Did Mr. Gibson tell you where her room was? A. He said she occupied the back room on the second floor. He said the room was directly back that pointed through a doorway.

Q. You did arrest both Mr. Gibson and Hattie Wise? A. Yes, sir; they were both arrested at the same time.

Q. Were they the people whom you saw on the two occasions through that window marked No. 7? A. Yes, sir.

Q. Mr. Martin, what, if anything, did Mr. Gibson do at the time of his arrest—at the time he was being put into the patrol wagon or whatever he was put into? A. In what way?

Q. What was his demeanor? A. Do you mean as to whether he resisted?

Q. No, sir; as to how he and Hattie Wise got into the patrol wagon or whatever it was? A. Why, he helped her in the wagon by taking her by the arm.

Q. You used the expression a while ago "rough house." What do you mean by that? A. Bawdy-house; that is what the term means—house of ill-fame.

Cross-examination.

By Mr. JEFFORDS:

Q. Do you remember some of the persons who made complaint?

A. Sir?

(Question is repeated to witness.)

91 A. Dr. Ames. He was one of them that complained to me. There was a gentleman who lived next door to Dr.

Ames—I do not know his name; he had a sick wife at the time—and he spoke to me about it on Q street.

Q. About how long did you watch the place? A. I guess I was watching it, off and on, maybe, for a month or six weeks, direct.

Q. Do you recall any one else who made complaint? A. Well, not to me, direct; no, sir.

Q. Have you mentioned all of the persons who were living there? A. As far as I know.

Q. Well, you were watching the house, and if any one else had been living there you would have been likely to have known it?

A. I seen the three men going in and out, and I seen this colored woman. That is all that I ever seen about the place while I was watching; and, so far as I know, at any other time, they were the only persons living there.

Q. When did you make this arrest? A. I think it was the latter part of April, 1899.

Q. And this what you saw through the window happened in August, 1898? A. Yes, sir.

Q. And you did not consider it sufficient to make out a case, in your view?

By Mr. DOUGLASS: I object to that question as being irrelevant.

Mr. JEFFORDS, continuing: And for that reason you did not make any arrest at that time?

By Mr. DOUGLASS: Same objection.

92 The WITNESS:

A. No, sir; not that alone. It was on the representation—that I did not make an arrest—of Mr. O’Laughlin that his house was being conducted in a proper manner, and that they were only having a jovial good time.

Q. That was the representation of Mr. O’Laughlin? A. Yes, sir.

Q. And where did you receive this warrant? A. I received it at the station-house.

Q. Both warrants at the same time? A. Both warrants embodied in one.

Q. Where is McBride now? A. He is out of town.

Q. When did he go? A. That I could not tell you.

Q. Where is he? A. I do not know that.

Q. Is he in the penitentiary? A. Not that I know; he may be in heaven——

Q. You have known him to have been convicted of different offences?

By Mr. DOUGLASS: That is objected to.

The WITNESS:

A. Never knew him to have been convicted of anything in my life.

By Mr. JEFFORDS:

Q. When you were on this porch was there any one present besides Davis and McBride? A. No, sir.

93 Q. And you were on the porch only once? A. No, sir; I was on the porch various times during that six weeks.

Q. Well, about how many times, probably? A. I could not say; probably six, seven, or eight times.

Q. What, if anything, did you see at any other times? A. I seen carousing there and drinking; that is all.

Q. And this occasion that you mention is the only one on which you saw anything take place, as you say, between Gibson and Hattie Wise? A. Directly; yes, sir.

Q. When they were drinking and having a good time there, there were usually a number of people present? A. I only seen these two. Oh, when they were drinking and carousing and carrying on, possibly the three men that were in the house, and maybe some outsiders—I do not know. I could not see all that was going on and who were in the different parts of the house.

Q. In what part of the room was this couch or lounge? A. It was situated on the north side of the room, against the partition next to the hall.

Q. The alleyway goes up on the north side of the house, and it was against the north partition of the south room? A. Yes, sir; that is what would be the south room.

Q. Was it a couch, or lounge, or sofa, or bed? A. A couch.

Q. What color? A. I was not close enough to it to discern in particular the color of it.

94 Q. You could not see very distinctly? A. I could not see the color distinctly, but I could see the shape of the couch all right.

Q. You speak of seeing Gibson in his undershirt and drawers; might that not have been what men folks call pajamas, which is worn in warm weather? A. That is something that I know nothing about. I never wore them and never seen them.

Q. Never seen pajamas? A. No, sir; what I seen him have on is what I term an undershirt and drawers.

Q. But you do not know what pajamas are? A. Never seen them; no, sir.

Q. Never heard of them? A. No, sir; if I saw them marked in a grocery store I would think they were something good to eat.

Q. Was it on the same occasion that you were on the lattice-work of the porch and looked into the window that you afterwards heard this conversation? A. No, sir; I heard that before I was on the porch.

Q. And was it on the same day? A. No, sir.

Q. When was it? A. Several days prior.

Q. When you heard the conversation you were on the ground? A. Yes, sir.

Q. Under the window? A. Yes, sir.

Q. And the window was probably open? A. Yes, sir; the window was up.

95 Q. And you heard the conversation you mention? A. Yes, sir.

Q. Then you passed on through the alley to the street? A. Yes, sir; and——

Q. And turned south and walked off far enough from the house so that you could see up into the window, and when you looked up you saw Gibson and Hattie Wise there, and you concluded from that that they had, perhaps, been having that conversation that you had heard when you came under the window? A. Yes, sir.

Q. That was the room from which the sound came from? A. When I got on the street they were the only occupants of the room that I could see.

Q. Did you go to Hattie Wise's room to arrest her? A. No, sir.

Q. Would you like to be entirely certain whether her room was the rear room on the second floor or the third floor? A. Well, from the location of the house, there is no third story to the back building of the house.

Q. Where did you understand her room to be—in the back room of the second floor or the back room of the third floor? A. In the back building of the second floor; not in the back room of the second floor. I mean the second room on the second floor of the back building, marked No. 9.

Q. Did you know Gibson's wife? A. No, sir; never knew he had one.

Q. Did you know of any other women being at this house during the time that you mention than Hattie Wise? A. No, sir.

96 Q. When you walked under the window and heard the voices, as you have testified, had you then met Gibson and heard him talk, so that you knew his voice? A. No, sir.

Q. Had you then met Hattie Wise and heard her talk, so that you knew her voice? A. No, sir.

Q. During the whole time that you were watching these premises, did you see anything else take place between Gibson and Hattie Wise than this that you have already mentioned? A. No, sir; only a little skylarking—that is all. There would be a familiarity between them as they passed one another—that is all; I do not know that there was anything dangerous in that.

Q. Nothing that you saw improper? A. No, sir; I could not say that there was, in my opinion, any criminal intimacy in that.

Q. When you saw Gibson feel of the girl's breast, as you say, they were both standing up? A. No, sir; she was on the couch.

Q. And he was bending over her? A. Yes, sir.

Q. Where were they when he put his arms around her, as you say, standing up in the room? A. Yes, sir; in the doorway.

Q. What time or what hour of the day or night time was this? A. Well, various times.

Q. This one occasion? A. This night, I think it was about a quarter of one.

Q. In the night time? A. Yes, sir.

97 Q. And you do not feel able to fix the date nearer than to say from the 16th of August to the end of the month? A. Somewhere around there. I would not say positively, because I was watching for a rough house, and after this Mr. O'Laughlin made his statement why I just banished the whole thing from my mind and destroyed all data that I had. At the time I was watching it I had no idea of getting into this scrape.

Q. When you arrested Gibson and Hattie Wise did you know that Mrs. Gibson had done this as a part of her divorce proceedings? A. No, sir; I did not know that there was such a woman on earth. I never knew Mrs. Gibson at all until after the case was brought into court. I never knew that there was such a person.

Q. Which way was Hattie Wise's head and which way was the head of the couch in this room? A. The head of the couch was towards the back of the building—towards the west.

Q. How near to the wall of the room was it? A. It was—from what I could see, it was right against the wall.

Q. So that her head was toward the west, and her feet were toward the street—toward the east? A. Yes, sir.

Q. And Gibson stood on the south side of the lounge and was facing north? A. Apparently, in a north or northwest direction.

Q. And bent over a little? A. Yes, sir.

98 Q. And, while you could not see through him and see where his hands were, you thought likely he was feeling her breast? A. From the attitude of his arm——

Q. You could not see where his hands were—that they were on her breast? A. No, sir; when I made my previous statement I said that his hands were apparently on her breast.

Q. Do you know whether she was intoxicated at that time? A. While I could not say that she was intoxicated, she was hilarious. There had been a call for more booze in the room.

Q. Could you tell who made the call for more booze? A. No, sir.

Q. You could not distinguish the voice? A. No, sir.

Q. About how many were there around there that night? A. I only seen the two, up until two o'clock in the morning, and then I seen the third party come in. I do not know anything about him. I only saw him that one time.

Q. Do you know his name? A. No, sir.

Q. Did Davis, who was on the lattice-work with you, at that time, stand in about the same position that you did? A. Near about.

Q. About as high up as you were? A. Yes, sir.

Q. And in a position to see just about what you saw? A. Yes, sir.

Q. And McBride was further down, was he? A. Well, we were all three about on a level. We had to arrange that by the amount of shrubbery we got into.

99 Q. There was some vine up over the lattice-work, was there? A. Yes, sir.

Q. Did you find that you had to move about considerably to get a chance to see through that? A. No, sir; we put our heads above it. All that shielded was our bodies.

Q. About what is the width of the 1602 house? A. I judge, about twenty-four feet front.

Q. And then about a sixteen-foot alley, probably? A. Yes, sir.

Q. And then about thirty feet up to Dr. Ames' house? A. Yes, sir.

Q. And also back from the corner of the porch about how many feet? A. I was not back from the corner of the porch at all. I was just level with the edge of the porch—parallel with it.

Q. How far south from the north end of the porch were you? A. Not at all; I was right on the north end.

Q. Who first pointed out Mr. Gibson to you? A. I think it was Johnson West first pointed him out—Dr. Ames' colored man.

Q. Can you tell about when? A. No, sir; I cannot state positively the date.

Q. And you learned to know him as Gibson from what West told you? A. Yes, sir.

100 Redirect examination.

By Mr. DOUGLASS:

Q. Mr. Martin, referring to the conversation that you heard between a man and a woman, you say that you were passing under the window at that time while you were walking in the alley? A. Yes, sir.

Q. Were you coming towards 13th or 14th street? A. Coming from 14th towards 13th.

Q. Then you say that you afterwards saw Gibson and Hattie Wise when you were standing on 13th street? A. Yes, sir; the man who turned out to be Gibson afterwards; the same man that acknowledged himself to be Gibson the night I arrested him.

Q. What length of time was it between the time that you walked under the window and heard this conversation and stood on 13th street and saw Gibson and Hattie Wise in the same room? A. A minute or a minute and a half.

Q. You stated when you first saw Gibson and Hattie Wise in this room—I refer to the occasion after the 15th of August and between that time and the end of August—that they were standing up; how did they get from that point to the couch? A. Why, waltzed around the room.

Q. You said something about ceasing to watch this house; when was that? A. Mr. O'Laughlin went to the lieutenant and said that he understood that his house was being watched by a policeman on the beat, and this was somewhere in the early part of September, 1898.

101 Q. You had no conversation with Mr. O'Laughlin yourself on the subject? A. No, sir.

Q. Now, Mr. Martin, have you any interest in this case one way or the other? A. Not a particle on earth.

Q. Have you any personal acquaintance either with Mr. Gibson or Mrs. Gibson? A. Never knew either of them until I was brought in contact with them in this case.

Q. Did you come here to testify voluntarily or on subpoena? A. On subpoena. My testimony is altogether involuntary; but while I am here I will tell the truth, and that is all.

ELIHU R. MARTIN.

The session thereupon adjourned until Thursday, February 1st, 1900, at the same place, at 3 o'clock p. m.

102

FEBRUARY 1ST, 1900.

Met, pursuant to notice, at the same place, on Thursday, February 1st, 1900, at 3 o'clock p. m.

Present: Same counsel.

Whereupon Dr. JOHN G. AMES, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having been by me first duly sworn according to law, deposes and says as follows:

By Mr. DOUGLASS:

Q. What is your profession? A. I am a clergyman by profession, though I am not actively engaged in work as a clergyman. I am in Government employ.

Q. What department? A. Interior Department.

Q. What class of work? A. I am chief of the document division in the Department of Interior.

Q. How long have you occupied that place? A. Twenty-five years.

Q. Where do you live, Doctor? A. At number 1600 13th street northwest.

Q. Is your house in the middle of the block or on the corner? A. It is in the middle of the block, but on the corner of an alley; it runs from Q street to the alley. It is on the corner of Q and 13th streets, and it is also on the corner of the alley dividing the square west.

Q. So Q street is on the south of your house, 13th street on the east of your house, and the alley on the north of your house? 103 A. Yes, sir.

Q. What house is it that is immediately to the north of your house, that is separated from your house by the alley? A. It is a small brick house.

Q. What is the number of it? A. It must be 1602.

Q. Doctor, who lived in that house in the year 1898 and the early part of 1899? A. By information, it—

By Mr. JEFFORDS: I object to the Doctor giving what he has heard about it.

The witness continuing: I might say that I saw during that year, going in and out of that house, several persons, among whom was the man who afterwards was pointed out to me as Mr. Gibson.

Q. The man that was pointed out to you as Mr. Gibson, is that the same man that was subsequently arrested there in 1899?

By Mr. JEFFORDS: I object to that unless the Doctor was personally present and saw him arrested.

By Mr. DOUGLASS:

Q. Were you there at the time of the arrest? Did you see him arrested? A. I did not see him arrested.

Q. I will ask you this: Were you at the police court as a witness in the case against Charles A. Gibson and Hattie Wise? A. Yes, sir.

104 Q. Well, was the man there the same man that you saw going in and out of this house? A. Yes, sir.

Q. Now, on what occasion did you see him in the police court? A. You have just stated the occasion; the trial of the case against Gibson and the woman—whatever her name was.

Q. Hattie Wise? A. Hattie Wise.

Q. What kind of a looking man is Mr. Gibson? Describe him. A. Mr. Gibson is a thick-set man, with a mustache, as I remember it; iron-grey hair—hair considerably grey—with rather a round face.

Q. About what age? A. That I could not tell; he might be from forty to fifty; I could not tell the age.

Q. Did he have any goatee or other whiskers besides the mustache? A. I think the mustache—I do not remember any other whiskers besides the mustache.

Q. You do not remember whether he had a goatee? A. No, sir; I do not remember.

Q. Well, Doctor, I wish you would look at this photograph and see whether that represents the house in which Mr. Gibson lived and in which you lived, at that time in 1898 and 1899. A. That is a correct representation of that north end of my house and of the house across the alley, in which Mr. Gibson then resided—a correct photograph of it.

Q. Doctor, that north end of your house, is that the rear
105 end of your house? A. That is the rear of the house. Well, the house fronts on 13th street, and all that usually belongs to the rear of a house is in the north end.

Q. What separates your yard from house 1602? A. An alley.

Q. Which way does that alley run? A. It runs from 13th street to 14th street.

Q. East and west? A. Yes, sir.

Q. What is the width of that alley? A. Well, I should say about 12 feet.

Q. About what is the width of your yard, Doctor, from your back porch to where it adjoins to the alley? A. Thirty feet.

Q. Doctor, what is the height of the floor of the porch from the ground, referring to the back porch of your house, as shown in this picture? A. About three feet.

Q. What is the height of the banister or railing of your back

porch there (indicating on the picture)? A. Well, from two feet to two feet six inches.

Q. What is this covering or protection over the porch? A. That is trellis for vines.

Q. About what is the distance between those pieces of lattice-work there, Doctor, as well as you can remember? A. Well, I could not tell; perhaps eight inches. I have never taken any measurements.

Q. Doctor, have you ever observed anything as to the conduct of the people in that house, 1602, during the year 1898?

By Mr. JEFFORDS: That is objected to on the ground that
106 it is immaterial to show what took place in that house between persons not named and not shown to be connected with this case in any way.

The WITNESS:

A. Yes, sir; I recall two occasions when my attention was specially called to what was transpiring in the house. I am not accustomed to study my neighbors' doings, but on these two occasions I could not avoid observation, because of the noise, singing, and the general hilarity that prevailed in the house across the alley on those two occasions. The first of those—I may say that they were both some time in the fall of 1898, I cannot recall the exact date, perhaps in November—my attention was called by loud singing and laughing, when I observed in the—I should call it the middle room, in room numbered 5 on the photograph, on the ground floor, two or three men, and I think on that occasion there were two women—two persons in women's attire, at any rate—who were gathered around the piano—there was a piano in that room, which was in plain sight from my house—and they were singing and laughing, and they continued that for some considerable time. That was on one occasion. The hilarity was not offensive or specially disagreeable on that occasion but on a later occasion it became very much so. That was a little while later, when my attention was called—perhaps at 8.30 or 9 o'clock in the evening—again to the house by very loud noises and hilarious laughing, a general uproar prevailing. At that time, I think, there were three men, at least, and I am not certain whether one or two women were present, nor can I tell whether they were colored or not. On that occasion there was evidently some drinking going on; of course, I could
107 not tell what was being drunk; I only saw that bottles were brought in and something turned from them and drunk. Evidently they were drinking, and as the hours passed, or the half hours, the uproar became severer and laughter and general hilarity more noticeable. In fact, I think the attention of the whole block must have been called, because it could have been easily heard the whole length of that square, without doubt, and across the way. Let me say in this connection, during the summer season and late in the fall, the windows were usually open, and the blinds open, and the shades up, so that whatever was tran-

spiring within those rooms, except in the corners, could be readily seen from the alley, from my back yard, from my back porch, and from my back windows, and the attention of every passerby must have been attracted by the unusual noise and uproar on that occasion. Now, that continued, as I say, until very late in the evening. I remember going out as late as quarter past or half past eleven and walking past the house. At that time the noise in the lower parlor floor had ceased, but from the upper story—the third story front—there came ejaculations and outcries, as far as I could determine—ejaculations and outcrying that usually characterizes a man very drunk; that was at half past eleven o'clock. That is, in brief, the circumstances of that evening, as I observed them. Anybody passing in and out of my front gate, which is not shown in this photograph (indicating on the photograph), could look, and would naturally, under such circumstances, be attracted by the noise coming through the window. It was not necessary to go into my back yard, it was not necessary to spy out the proceedings at all, but anywhere beyond the limit of my front walk, toward the north, was in plain view of all those windows, and the windows of my back stairway, up and down, which the servants were continually passing,
108 looked directly in those windows—that is, the side windows—of the house across the alley. So that you will observe that it was not necessary for any member of our family to be spying out for the purpose of seeing. He had only to look out of the windows of the back side of the house to see what was going on across the way.

Q. Did you notice whether or not this man, who had been pointed out to you as Gibson, was in that crowd? A. I could not affirm that he was there.

Q. Could you say that he was not there, or did you recognize any of the others? A. I could not affirm that he was there, nor could I affirm that he was not there.

Q. Doctor, do you know Mr. Davis, the private watchman? A. Yes, sir; he is my private watchman.

Q. How long have you known him? A. For two or three years.

Q. Was he, in 1898 and 1899, in any way in your employ? A. Yes, sir; he was employed as night watchman.

Q. Do you know, of your own personal knowledge, whether he came in and out of your back yard during the year 1898 and 1899? A. Yes, sir; he was in and out many times.

Q. Do you know whether or not Mr. Davis' attention was specially called to that house by yourself? A. Yes, sir; it was.

Q. For what purpose, Doctor? A. Well, it was specially called by his statement to me, in the first place, by what he observed transpiring there. It was specially called by me to him by my
109 request that he observe carefully what was transpiring there after I learned that the character of the house was, apparently, somewhat doubtful.

Q. Well, Doctor, did or did you not give him permission to enter your yard for the purpose of keeping watch? A. I did.

Q. Do you know whether or not he used the back porch and the lattice-work? A. By his assertion; he told me he did; I did not see him, and do not know of my personal knowledge.

Q. Was Davis watching that house during the summer of 1898? Do you know that of your personal knowledge? A. I know that he told me he was.

Q. Did you request him to do so during that summer? A. I did.

Q. Do you know anything about whether Officers Martin and McBride were there? A. By their own assertion; I did not observe them; I do not know that I ever saw them—to know them—there, but I heard them say they were there.

Q. You do not know that yourself? A. No, sir.

Q. Doctor, do you know this colored man who has testified in this case, Johnson West? A. Very well. He has been in my employ for the last twelve or fourteen years.

Q. He was in your employ, then, in the year 1898 and 1899? A. Yes, sir.

Q. And still is? A. Yes, sir.

110 Q. Doctor, West has testified in reference to some things that he says he saw in that house, some things in the kitchen of the house, others in the second floor, and others in the third floor. He says that your dining-room at that time was upstairs, and that there was a window in the hall, and that during your meal hours he usually sat out by this window in the hall to be within calling distance. Do you know whether or not that was his habit or custom during the summer of 1898? A. Yes, sir. Mrs. Ames is an invalid, and during the summer of 1898 we had our meals very largely upstairs. She is an invalid with rheumatism, and for that reason we do not go down.

Q. Do you know whether during meal hours he usually sat at the open window in the hall? A. I know that during meal hours he usually was in the rear hall, so as to be able to hear the bell when rung, but whether he sat by the window or not I could not tell.

Q. Is there a window in this hall which looks out on house No. 1602? A. There is a window on each landing of the stairway, and he was in the rear of the hall, near the window.

Q. Doctor, could one, from that window in the hall, see into the kitchen of house No. 1602 or into the second-floor rooms or into the third-floor rooms of the house? A. Yes, sir.

Q. Very easily? A. Readily.

Q. Doctor, is or is not this butler of yours, Johnson West, a trustworthy and reliable man? A. He is a thoroughly trust-
111 worthy man. I do not know of any more trustworthy man, white or black, in the city of Washington, than Mr. West. He is a man whom we have trusted for the last ten years at least with money and valuables.

Q. Always found him truthful? A. Yes, sir; and never detected him in the least prevarication or deception or anything of that kind whatever.

Q. Did you ever have any talks with Officer Martin or McBride?
A. I think I have—here at the time of the police-court trial.

Q. You do not remember whether you had any prior to that while this house was being watched? A. No, sir; I do not remember. In fact, I did not know the officers by name until after the trial.

Cross-examination.

By Mr. JEFFORDS:

Q. Did you approach Officer Martin, the policeman, and make complaint about the character of the house, and especially request him to watch it? A. I do not remember that I did. As I say, I did not know Officer Martin and McBride by name; I do not know that I should know them if I saw them. I cannot tell, at this date, whether I requested those officers to watch the house. I remember asking Mr. Davis.

Q. You were present at the trial in the police court? A. Yes, sir.

112 Q. Did you testify there as a witness? A. I have gotten mixed up. I was, on one occasion, I think, not at the police-court trial; I was present at an examination.

Q. Before the grand jury? A. Yes, sir; I was present before the district attorney, but I am under the impression that they did not call me at the police court.

Q. You were present there at the time of the trial? A. Yes, sir; I was there.

Q. Was Mr. Gibson and Hattie Wise both present at the time of the trial? A. Mr. Gibson, I remember, was there; I do not remember Hattie Wise; I should not know Hattie Wise if I saw her. I always saw that there was a colored woman in the house across the way, but I would not identify her anywhere else.

Q. Who lives next to you on the west? A. A Mr. Marsh.

Q. How long has he lived there? A. Several years.

Q. That is on Q street? A. Yes, sir.

Q. Do you know Mr. Gibson's wife? A. Yes, sir.

Q. How long have you known her? A. Since last fall.

Q. Did you know her while she was living at 1602 13th street?
A. I think she was living there the first time I met her. I am not positive; if so, she left there soon afterwards.

113 Q. Do you know how long she lived there? A. No, sir.

Q. Are you able to swear whether she was present on either of these occasions you mention, of your own knowledge? A. No, sir.

Q. About how old are you, Doctor? A. I am sixty-five.

Q. Who first pointed out Mr. Gibson to you? A. I cannot tell you.

Redirect examination.

By Mr. DOUGLASS:

Q. When was it you said you first knew Mrs. Gibson? A. I said several months ago; I think in the fall of 1898—no, in the fall of

1899. I did not know her until this suit came up—about the time of the suit—which was in 1899.

Q. Did you know her by sight when she lived in this house? A. She may have left there a few days when I met her, but I was not positive whether she had left 1602 before I first met her or not.

DR. JOHN G. AMES.

114 Mrs. MARY P. MURPHY, a witness of lawful age called to testify by and on behalf of the complainant, having been first duly sworn by me according to law, deposes and says as follows:

By Mr. DOUGLASS:

A. Where do you live? A. I live now at 1602 13th street N. W.

Q. How long have you been living in that house? A. Since last August.

Q. August, 1899? A. Yes, sir.

Q. Where did you live before that time? A. 519 L street.

Q. Northwest? A. Yes, sir.

Q. Is your husband living, Mrs. Murphy? A. No, sir; he is dead.

Q. Do you know the defendant, Charles A. Gibson? A. Yes, sir.

Q. How long have you known him? A. Since he married Mrs. Gibson; the first time I met him was after they were married; when he came here on his bridal trip.

Q. How long have you known Mrs. Gibson? A. All my life; she is my cousin, and we were children together.

Q. Mrs. Murphy, do you know where Mr. Gibson lived in the year 1898? A. Yes, sir.

Q. Where? A. I did not see him during that year until—well, he was living at 1602 13th street.

115 Q. Where was he living—— A. I did not see him there in the house in the year 1898; I saw him in the house in 1899.

Q. What time did you see him in the house for the first time? A. It was in April.

Q. 1899? A. Yes, sir.

Q. Was that the same month that he was arrested? A. Yes, sir.

Q. Was that some time before the arrest? A. Only a few weeks before the arrest, when he came for me to go to see his wife; she was sick.

Q. Mrs. Murphy, was Mrs. Gibson living there at that time? A. Yes, sir; from when I saw her——

Q. In the same house? A. Yes, sir; 1602 13th street.

Q. How long had she been living there? In other words, when did she go there? A. She had been there only a few weeks; she went there, I think, in March; I think it was the 19th of March.

Q. Where did Mrs. Gibson live prior to that time? Where was she living before she went to that house? A. I think she had been boarding in Baltimore.

Q. Had she lived any portion of the time, prior to that time, with her daughter, Mrs. Doctor Douglass? A. No, sir.

Q. So that she went to live with Mr. Gibson some time in March—some time in March, 1899? A. Yes, sir.

116 Q. Had she ever lived in that house before? A. No, sir.

Q. Mrs. Murphy, what kind of a looking man is Mr. Gibson? Describe him. A. Well, I am very poor in giving a description. He is a stout man, with grey hair and grey mustache; rather fine-looking man; no beard.

Q. Mrs. Murphy, you say you live in that house, 1602 13th? A. I do; yes, sir.

Q. Are you familiar with the plan of the house—the location of the rooms, etc.? A. Yes, sir; I am.

Q. Do you know how the rooms are situated and how they were furnished and who occupied the various rooms in April, 1899, when you were there and Mr. Gibson was living there? A. Yes, sir; Mrs. Gibson had the front room, third story, Mr. Gibson the back room, same story, and Mr. Beck, I believe, had the front room, second floor. The next room was the room they called the library; then the bath-room, and then the room they called Mr. Gibson's office—it was pointed out to me as his office—and then the servant's room or Hattie Wise's room. There is a platform at the head of the steps between the two.

Q. Mrs. Murphy, I show you what purports to be a plan of the rooms on the second floor of the house in which you say Mr. Gibson lived in 1899—

By Mr. JEFFORDS: I object to that being used until it is authenticated by some one who has drawn it.

Mr. DOUGLASS, continuing: Does this plan I show you,
117 marked Exhibit X—what do you say of this plan? Is that accurate as to the second floor of that house? A. Yes, sir; it is accurate as to the second floor of that house.

Q. This room marked one, who occupied that room at that time? A. Mr. Beck.

Q. As a bed-room? A. Yes, sir.

Q. The one marked two? A. That is the library.

Q. Whose library? A. Mr. Gibson's library; the library used in the house.

Q. What room is this marked three? A. That is the bath-room.

Q. What room is this marked four? A. That is the office.

Q. Whose office? A. Mr. Gibson's office.

Q. What is the room marked five? A. That is Hattie Wise's room.

Q. This stairway marked A (indicating), is that the front or back stairway? A. That is the back stairway, between the kitchen and the dining-room, and the office and Hattie Wise's room.

Q. Mrs. Murphy, how are these rooms connected if at all? A. Referring to the room marked Mr. Gibson's office, No. 4, and the one marked Hattie Wise's room, No. 5, they are directly, and yet

indirectly, connected by a doorway leading from Mr. Gibson's
118 office to a platform at the head of the back stairs, and then
a doorway opening on to the same platform opposite to the
one from Mr. Gibson's office, which leads into Hattie Wise's room.

Q. What kind of a room is this one which Hattie Wise occupied?

A. It is a very pretty room ; it has four windows ; it is the prettiest room in the house.

Q. Was she occupying that room while you were there in April, 1899? A. Yes, sir.

Q. Do you know how long she had been occupying that room prior to that time? A. No, sir ; I do not.

Q. At that time, how was that room furnished? A. It was furnished very nicely—as nicely as any lady's room.

Q. In a general way, tell us what kind of furniture it had. A. A white bedstead, with gilt trimmings ; a white bureau ; very nice matting, and very pretty rugs.

Q. Washstand in the room? A. Yes, sir ; I think it was white, and there were very nice things on it.

Q. Mrs. Murphy, how did that room and its furnishings compare with the other rooms in the house? A. I think it looked nicer than any of the other rooms in the house.

Q. Well, how did it compare, particularly, with the one Mrs. Gibson occupied? A. Well, it had nicer rugs on the floor ; Mrs. Gibson had no washstand in the room—her pitcher and basin were on a chair.

119 Q. Did you go into this room which Hattie Wise occupied?
A. Yes, sir.

Q. Did you notice anything specially in it? A. I noticed the room looked very nice, and I noticed a lady's gold watch and colored pictures around the room.

Q. Well, what about that watch? A. Well, it was a very fine watch and chain.

Q. One? A. Yes, sir ; with initials.

Q. What initials? A. I think it was H. G. W.

Q. Did you notice anything else? A. I do not know anything else that I noticed. I saw a gentleman's silver watch.

Q. Recurring to the diagram and the location of the doors, I ask you if the doors marked with the letter D indicate accurately the location of the doors to Hattie Wise's room and Mr. Gibson's office.
A. Yes, sir ; and this is the kitchen stairway (indicating).

Q. What is this on the south side of the house? A. That is an alley.

By Mr. DOUGLASS: I offer this plan in evidence.

By Mr. JEFFORDS: I object to that on the ground that the witness has not shown where it came from or who made it or when or where it was made.

By Mr. DOUGLASS:

120 Q. Mrs. Murphy, you would say that that does truly represent the location and relative positions of the rooms on the second floor of that house? A. Yes, sir.

By Mr. DOUGLASS: Now, I offer this in evidence.

By Mr. JEFFORDS: I object to that for the same reason.

By Mr. DOUGLASS:

Q. Mrs. Murphy, did you hear anything that took place between Mr. and Mrs. Gibson on the occasion of your visit there—on your visit in 1899? A. In the evening he came home and went upstairs to her. She was very sick. He came up to the room and stayed there awhile until they had dinner, and then, after dinner, he spoke to her about going away. She said she did not want to go, and asked him not to send her away—she did not want to go. She asked him not to send her, but to send the colored girl away and let her stay, and he said he would not do it, that he wanted the colored girl to stay and she should go, and then he told her he did not love her, and that anybody could have her that wanted her, and they had some other words—I do not know what they were. That was the substance of it—he wanted her to go away; he did not care for her; he did not want her.

Q. Mrs. Murphy, have you known Mr. and Mrs. Gibson well, in their family life, since they have been married? A. Yes, sir. I think I have known them as much as anybody would.

Q. Can you state how Mrs. Gibson has demeaned herself toward Mr. Gibson as a wife? A. Well, a man never had a better one, if I know anything. She was true and faithful and loved him almost to idolatry, and I used to always tell her that she loved him
121 better than she did her God.

Q. What has been her disposition as to whether or not she has been fussy or quarrelsome or hard to get along with? A. No, sir; I would not call her fussy or quarrelsome or hard to get along with. She is as easy to get along with as any one.

Cross-examination.

By Mr. JEFFORDS:

Q. How did you learn when or at what time Mrs. Gibson went to live at 1602 13th street? A. She came to me and told me that she had gone back.

Q. Gone back where? A. Gone to 1602—gone to him.

Q. What do you mean by saying "gone back"? A. They had been separated before that, and there had been a reconciliation, and she had been boarding in Baltimore.

Q. Where had she been boarding there; at a hospital or sanitarium? A. She was boarding, first, with a friend, and then at Johns Hopkins hospital for eye treatment.

Q. And Mr. Gibson was paying the bills? A. Yes, sir; there had been a reconciliation, and he was paying the bills.

Q. And when he spoke to her on the occasion that you mentioned about going away again he wanted her to go away for her
122 health or for further treatment? A. No, sir; not for further treatment not that I understood. He wanted her to go because he wanted her away from the house.

Q. You know, then, when she came back to live with Mr. Gibson?

A. Yes, sir.

Q. You know the time by what she tells you? A. Yes, sir.

Q. Did you ever see Hattie Wise in the room which you say was hers? A. Yes, sir.

Q. Were you there with her in the room? A. No, sir; I was not. I went upstairs, and I saw her go into her room.

Q. Did you ever see her at any other time in there? A. No, sir.

Q. She told you that that was her room? A. Mrs. Gibson and I saw female clothing in the room.

Q. Did you ever see Mr. Gibson in this room you call his office? A. No, sir.

Q. He told you that was his office? A. Mrs. Gibson told me that was his office, and I saw the chair and desk and things that would indicate that was his office.

Q. How long were you stopping at this house with Mr. and Mrs. Gibson? A. I went there in the morning and stayed all day with Mrs. Gibson; in the evening I went home. Only one day I was there.

123 Q. Was that the only time you were there? A. No, sir; I went on Monday and stayed an hour or so. Then I was there with her the day she left and helped her to leave.

Q. How many times in all? A. Three times in all.

Q. On each occasion when you were there Mrs. Gibson was at home? A. Yes, sir.

Q. And she and Mr. Gibson were living together then? A. Yes, sir.

Q. Do you know how long Hattie Wise had been in this room which you call her room? A. No, sir; I do not know.

Q. Do you know when she went there or how she happened to go to that room? A. I was not there, and I do not know anything about that.

Q. Did you know that that was not Hattie Wise's room, but. was Mrs. Gibson's room? A. It was not Mrs. Gibson's room.

Q. You are certain of that? A. Yes, sir.

Q. How are you certain of that? A. Because I went to see Mrs. Gibson, and she was sick in bed in her own room.

Q. Do you know how long she had been up in that room on the third story? A. She went to that room as soon as she came to the house, and it was given to her as her room.

Q. How did you learn that? A. Mrs. Gibson told me so,
124 and Mr. Gibson told me so. He locked the door between her room and his room and barricaded it by putting a bedstead against the door.

Q. How do you know that? A. Because it was there the day that I went there to help her to move.

Q. Who told you that Gibson put it there? A. Mrs. Gibson told me that.

Q. Do you know who made this plan of this second story of that house? A. No, sir; I do not.

Q. Do you know whether it is drawn to a scale or not? A. I do not.

Q. Do you know whether the doors are located exactly as they should be in distance? A. Yes, sir.

Q. How do you know that? A. Because I live in the house.

Q. But you do not know who made the plan? A. No, sir.

Q. And you do not know whether it is drawn to a scale or not? A. No, sir.

Q. Mrs. Gibson tried to get a divorce from her husband on one other occasion, did she not?

By Mr. DOUGLASS: I object to that question on the ground, first, that it is not cross-examination, and, secondly, the record is the best evidence, if there is such a record.

The WITNESS:

A. No, sir; not a divorce; simply maintenance, as I understand it.

125 Q. Who told you about it? A. Why, Mrs. Gibson told me, and Mr. Gibson, both.

Q. Did you have some hand in helping them to make up after she failed in that divorce proceeding? A. Yes, sir; I certainly did, but it was not a divorce proceeding.

Q. And have you had some hand in helping them to make up since she began this divorce case?

By Mr. DOUGLASS: I object to that as not proper cross-examination, and also as being irrelevant to the issues in this case.

The WITNESS:

A. Well, not to stop the divorce proceedings, not to bring about a reconciliation; no, sir.

Q. Your late husband and Mr. Gibson were great friends? A. Yes, sir; they were friends.

Q. You speak of Mrs. Gibson living with her daughter; how did you know that? A. She did not live with her daughter. During the time that she had left him, while she was suing for maintenance, she was not living with her daughter at that time. She had a room somewhere else.

Q. Did you visit her at that room? A. No, sir.

Q. Were you friends at that time? A. Yes, sir; we have always been friends all our lives.

Q. How long was she living at that room? A. I could not tell; some several months.

Q. And you were in the city? A. Yes, sir.

126 Q. But you did not visit her? A. No, sir; I visit very little. I go out very little. She visited me, however, very frequently.

Q. And you were well at that time? A. Yes, sir.

Q. Did she or did she not live with her married daughter here at any time? A. Well, she has since she has been suing for this divorce, but that was the only time, I think.

Q. You talked with Mrs. Gibson about these charges against her husband, did you not? A. Yes, sir; of course, we talked over them—we were friends.

Q. And you told Mrs. Gibson that this could not be true? A. What could not be true?

Q. That Mr. Gibson was not a good and moral man? A. I never told her that; I thought he was, before this case; I always thought he was true to her before this came on, and so did all of her friends. I do not think it now, though.

Q. You helped to make up your opinion that he was a good moral man from what your husband said of him? A. No, sir; from what I saw of him myself—well, yes, I think I did, although I do not know much about what he thought of him in that respect. I never heard him express himself in that line.

Q. Did you ever see Mr. Gibson do anything immoral? A. No, sir.

Redirect examination.

127 By Mr. DOUGLASS:

Q. Mrs. Murphy, you have stated something in your cross-examination about having seen in this room which you said Hattie Wise occupied some female clothes; at that time was any other female staying in that house excepting Hattie Wise? A. No one but Hattie Wise and Mrs. Gibson. No one else that I know of.

Q. Were the clothes you saw Mrs. Gibson's clothes; did you know them? A. No, sir.

Q. Did you see anything in that room that would indicate that a colored person stayed in it? A. Well, I saw a great many colored pictures——

Q. Pictures of colored people? A. Yes, sir.

Q. Did Mr. Gibson ever make any statements to you with reference to the gold watch that you have stated you saw on the bureau in Hattie Wise's room? A. Mr. Gibson told me on one occasion that his wife charged that he had made Hattie Wise a present of this gold watch. Mr. Gibson said that Hattie Wise had an old watch and some money, and that she, Hattie, asked him to take the money and the old watch and get her a new one, because, if she went to buy it, they would take advantage of her, she being a colored girl. Mr. Gibson said he took the old watch and the money and went to the store and bought Hattie Wise the gold watch, she having furnished the bulk of the money and he the balance—a few dollars—I do not remember the amount. I think he told me he had the monogram put on the watch, and I thought it was true.

MRS. MARY P. MURPHY.

128 FREDERICK A. FOWLER, a witness of lawful age produced by and on behalf of the complainant in the above-entitled case, having been first by me duly sworn according to law, deposes and says as follows:

By Mr. WRIGHT:

Q. Please state your name, age, residence, and occupation. A. My name is Frederick A. Fowler; am a photographer, and live at 1429 N street N. W.

Q. Do you recognize this photograph (exhibiting photograph, Exhibit A, to witness)? A. Yes, sir. I made the photograph of house-No. 1600 and 1602 13th street N. W., Washington, D. C.

Q. Is it a correct representation of those houses? A. Yes, sir.

No cross-examination.

FREDERICK A. FOWLER.

129

FEBRUARY 5TH, 1900.

Met, pursuant to notice, at the same place on Monday, February 5th, 1900, at 3.30 o'clock p. m.

Present: Same counsel.

Whereupon Dr. CHARLES W. KEYES, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having been by me first duly sworn according to law, deposes and says as follows:

By Mr. DOUGLASS:

Q. What is your profession, Doctor? A. Practising physician.

Q. How long have you been engaged in that business? A. Going on eleven years.

Q. Where do you live? A. 1108 8th street N. W.

Q. Do you know Mrs. Gibson, Mrs. Annie H. Gibson, the complainant in this suit? A. Yes, sir.

Q. Did you have any occasion to visit her professionally, Doctor, during the year 1899? A. Yes, sir.

Q. Where did you visit her, Doctor? A. At 1602 13th street; I believe that is the number.

Q. Do you know who was living there at that time? A. Nothing of my own knowledge. I saw no one else in the house. I supposed, of course, that Mr. Gibson was living there with her.

Q. Doctor, was she in need of professional attention when
130 you called to see her? A. She was extremely nervous when I called—little inclined to be hysterical.

Q. Doctor, I do not know what you are going to answer, but I will ask you whether she is a frail or a strong woman. A. She is a frail woman—a bundle of nerves.

Q. What is her age, as far as you could tell? A. I am not very good at ages; I should say she is about fifty.

Q. Doctor, what room was she occupying when you went to see her? A. Front room on the third floor.

Q. Was there any room adjoining to and communicating with that room? A. Yes, sir; her room had the alley front of the house; there was a bed-room right behind hers that faced on the alley.

Q. Well, was the room adjoining hers facing on the alley a bed-room? A. Yes, sir.

Q. Occupied room? A. Yes, sir.

Q. Was there a door communicating between these two rooms? A. There was.

Q. In what way was it closed? A. It was shut to, and, if I am not mistaken, the bed was against the door. I could not be positive about that, but that is my impression, as I remember it.

Q. Is that your recollection? A. Yes, sir.

131 Q. You mean the bed in the front room or in the room adjoining? A. In the room adjoining.

Q. Was the bed in her room against the door? A. No, sir.

Q. Doctor, do you remember whether there was a washstand in Mrs. Gibson's room, or not? A. There was not.

Q. What sort of an arrangement did she have to serve the purpose? A. A chair.

Q. Did you have any occasion, Doctor, to see the rooms on the second floor? A. I did see them—that is, I did not see the front room but the back rooms.

Q. What rooms did you see on the second floor? Did you see what was called the library and the office? A. I saw the back bed-room and the office-room next to that, and then the library and the bath-room. I think that was all that I saw.

Q. Doctor, do you remember whether or not the room called the office-room and the back bed-room on the second floor were communicating? A. They were communicating in this way: That there was a stair-landing between, and two doors.

Q. Were they opposite each other? A. Yes, sir; directly opposite.

Q. Did you go into the back bed-room on the second floor? A. Yes, sir.

132 Q. Can you state, Doctor, how it was furnished, in a general way? A. I could not particularize much; the furniture was white; the bed was an iron one. I can just say the room was nicely furnished. The general appearance of the room was pleasing. It was quite well furnished.

Q. Was there anything on the floor? A. There was something on the floor. I could not specify what. I could not say whether it was a carpet, rugs, or matting. I could not distinctly say which. The floor was covered with something. I did not pay special attention.

Q. You say the room was nicely furnished. How was it furnished in comparison with the other rooms in the house? A. It was much nicer furniture than Mrs. Gibson had in her room; it was a much better furnished room. I think it was fully as good if not better than the adjoining room to Mrs. Gibson's room. In fact, the best room in the house, as I remember it, as far as the bed-rooms go.

Q. Doctor, in reference to the character of the furniture and the

furnishings generally in that room did it have anything of the appearance of a servant's room? A. No, sir; not according to my experience with servants' rooms.

Q. Have you ever, in your experience, seen a servant's room furnished as nicely as that? A. No, sir; I never did.

Q. Now, Doctor, did you notice anything particular, as a gold watch or anything of that sort, in that room? A. I noticed a gold watch; that is the only thing I could specify; my attention was called to that.

Q. Did you notice whether there were pictures of white or colored people hanging in the room? A. I really could not say about the pictures. The walls were not bare; there were some pictures, but I could not specify them.

133 Q. You do not know Mr. Gibson, do you? A. No, sir; I never saw him that I know of.

Cross-examination.

By Mr. JEFFORDS:

Q. How many times did you see Mrs. Gibson professionally at this house? A. Once.

Q. Who called your attention to this furniture in this room? A. Mrs. Gibson and Mrs. Murphy.

Q. Who called your attention to this gold watch that you have mentioned? A. I could not tell you; one or the other or both. I could not remember that.

Q. How did you learn who occupied the room adjoining Mrs. Gibson's? A. She told me.

Q. As you go up the stairs which of the two rooms on the top floor do you first enter? A. You first enter his room. There is an opening out of the hall into what is known as his room.

Q. Is there any door leading from the hall into the front room, Mrs. Gibson's room? A. Yes, sir.

Q. Who called your attention to the bed against the door between the two rooms? A. I do not know that any one called my special attention to it. I looked into the room.

134 Q. The back room on the top floor was larger or smaller than the front room—which? A. You mean the room adjoining the front room?

Q. Yes, sir. A. I think it was smaller.

Q. Was your attention specially called to the furniture in either of the rooms on the top floor? A. I do not think it was specially. Some one may have mentioned the fact of the wash-basin being in a chair, but that was right in my way as I walked into the room, so that I could easily notice it.

Q. Do you remember what prescription or treatment you gave Mrs. Gibson? A. I just gave her sedatives, that is all; just to quiet her nerves.

Q. And why did you not call again and look further after her? A. I did not think it was necessary; I left medicine enough for a week or more to take each day.

Q. Who called you to see Mrs. Gibson? A. She did, I suppose. The message was left at the house for me to come to that address.

Q. So you do not know who left the message? A. No, sir; I do not know.

Redirect examination.

By Mr. DOUGLASS:

Q. Is that the house (showing witness photograph, Exhibit A)?

A. Yes, sir. It looks like it.

135 Q. Doctor, I show you an exhibit marked X, purporting to be a plan of the second floor of that house—— A. That represents exactly the second-floor plan of the house.

Recross-examination.

By Mr. JEFFORDS:

Q. You are not able to say that those proportions are correct from looking at the plat? A. No, sir.

Q. And you are not able to say that the doors and windows are in the exact positions where they should be? A. I could not say that; that is a matter of impossibility; but these two doors (referring to the doors connecting the back bed-room and the office-room) are correct. Everything looks all right to me, except this one door (referring to the door from the hall into the library). It looks to me that that door should be nearer to the bath-room.

DR. CHARLES W. KEYES.

136 JOHN A. GREEN, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having been by me first duly sworn according to law, deposes and says as follows:

By Mr. DOUGLASS:

Q. Where do you live? A. 1416 Q street N. W.

Q. What is your occupation, Mr. Green? A. I take charge of my father's property. He has a great deal of real estate in this city. He owns about thirty houses. I collect the rents, etc.

Q. Do you know the house No. 1602 13th street? A. Yes, sir.

Q. Mr. Green, did you have your attention called to any performances of any sort in that house in the summer of 1898? A. Yes, sir.

Q. State what you saw. A. I was walking around for a little exercise—it was a very warm night——

Q. When was that? A. In August, 1888, at about 12 o'clock, and I met Officer—Special Officer—Davis, and he called me, and I went with him and I stood in the alley, a little ways from the street, and I heard loud noises in there, as though people were drinking. It seemed to me to be four ladies, or four or five ladies, and four or five men, from the conversation that took place. I could hear

the voices, and they were cutting up and raising a great deal of noise. I stood there and I heard a gentleman say, "We will stay in this parlor and you go in the other room." So then I saw
137 a man walk from the front room into the middle room.

There was a lady with him and he put his arms around her and stood in the middle of the floor and kissed her and hugged her.

Q. Can you tell whether it was a colored woman or a white woman? A. That I could not say.

Q. Were they alone in the room? A. Yes, sir; the two were alone in the middle of the room.

Q. The light was dim? A. Yes, sir; but I could discern the figures.

Q. What sort of a looking man was it? A. He was a man with grey whiskers and a mustache.

Q. You mean on the chin? A. Yes, sir; sort of a little French beard—goatee—something like that.

Q. About how old was he? A. He was a man about from forty-five to fifty years old.

Q. Would you know his picture, if you saw it? A. I am not positive.

Q. Can you recognize the man from this picture (showing witness picture marked Exhibit B)? A. This looks something like the man to me—the man with the light suit.

Q. State, to the best of your knowledge, whether that picture that you have pointed out is the picture of the man that you saw. A. That looks very much like the man I saw, to the best of my knowledge. I would not swear that it was he.

Q. Do you know whether or not during that time or about
138 that time that house was being watched by any one? A. Shall I say what I heard?

Q. No, sir; just what you know. A. I do not know. I know that Mr. Davis and Officer Martin were watching the house. I heard Davis say that.

Q. Did you see them around the house? A. No, sir; I saw Davis around the house.

Q. Do you know about what height the woman was you saw in that room? A. A little taller than Mrs. Gibson; she looked to me about five feet three or four inches.

Q. How long was that hugging and kissing going on? A. For about three minutes while I was there, and then I left.

Q. Were they still at it when you left? A. Yes, sir.

Q. Was any drinking going on? A. I did not see them drink, but I heard them say, "Bring in some more beer."

Q. About what time was that? A. About twelve o'clock at night.

No cross-examination.

JOHN A. GREEN.

139

WASHINGTON, D. C., *March 12th*, 1900.

Met, pursuant to notice, at the same place, on Monday, March 12th, 1900.

Present: Same counsel.

Whereupon HENRY S. DAVIS was recalled to testify by and on behalf of the complainant.

By Mr. WRIGHT:

Q. Mr. Davis, on your cross-examination, you were asked by counsel for the defendant if you were ever convicted in the police court, and if you were the same man who was convicted in the police court, and you answered, "I am the same man, I guess;" I want you to state whether you were the same man. A. Once I was fined there for carrying concealed weapons, when my commission had run out.

Q. Did you pay that fine? A. Yes, sir; I did.

Q. In answer to Mr. Jeffords' question, you stated that you were once convicted for shooting a dog; tell the circumstances of that. A. I was attacked by two ferocious dogs on the street; I backed up to the building line, but I could not get any further; they followed me up to the building line, and, since I could not get any further, there was nothing left for me to do but to shoot. I did not kill the dog, I only wounded it. The dog was valued at one hundred dollars.

Q. Were you fined? A. Yes, sir.

Q. Did you pay the fine? A. Yes, sir.

Q. Are they the only offences of which you have been convicted of in the police court? A. Yes, sir; with the exception of some trivial offences. I have been fined five dollars for disorderly conduct.

Q. Were you ever convicted of any offence in the supreme court of the District of Columbia?

The WITNESS: I refuse to answer that on either side.

Cross-examination.

By Mr. JEFFORDS:

Q. Have you now stated all the convictions that have been had against you in all the courts of this District? A. Yes, sir.

Q. Have you been convicted in any other courts in other jurisdictions?

By Mr. WRIGHT: I object to that question as not being the best mode of proof.

The WITNESS: I refuse to answer that; that has nothing to do with this case, and I do not want to be bulldozed or blackguarded.

By Mr. JEFFORDS:

Q. Have you stated all the convictions against you in the police

court in the District of Columbia? A. I answered that once; yes, sir.

Q. These three that you have mentioned are all? A. Yes, sir.

141 Q. And you decline to answer about your convictions in the supreme court of the District of Columbia? A. Yes, sir.

HENRY S. DAVIS.

Counsel for complainant thereupon announced their case-in-chief closed.

142 Be it known that at an oral examination held on the several days mentioned in the depositions hereto attached I, an examiner in chancery in and for the District of Columbia, did cause to be personally present at the times and places therein stated the following witnesses, namely, Emma F. Douglass, Henry S. Davis, Johnson West, Elihu R. Martin, Dr. John G. Ames, Mrs. Mary P. Murphy, Dr. Charles W. Keyes, Frederick A. Fowler, and John A. Green, all of whom are of lawful age, called to testify by and on behalf of the complainant in the above-entitled cause, when and where the depositions of said witnesses were by me stenographically reported from the oral statements of said witnesses made in answer to the interrogatories and cross-interrogatories propounded by counsel for the respective parties then and there attending, the said witnesses having been by me first duly sworn according to law; that the said depositions were afterwards reduced to typewriting and, in accordance with the stipulation between counsel, signed by me on their behalf, and that the exhibits filed herewith were duly offered in evidence by counsel and were duly marked for identification, the same being filed separately herewith.

Counsel for the respective parties agreed that I should sign the depositions of the respective witnesses, and that the tintype picture introduced in evidence and marked Exhibit B is the picture of the defendant Gibson, to which the witness Davis and other- referred in their testimony.

I further certify that I am not of counsel for either of the parties in said cause, nor in any manner interested, either directly or indirectly, in this suit.

RUDOLPH B. BEHREND,
Examiner in Chancery.

143

Testimony for Defendant.

Filed October 31, 1900.

In the Supreme Court of the District of Columbia.

ANNIE V. H. GIBSON }
vs. } Equity. No. 20397.
CHARLES A. GIBSON. }

Testimony on behalf of the defendant.

WEDNESDAY, June 20, 1900—3 p. m.

Met, pursuant to agreement between counsel in the above-entitled cause, at the office of Tracy L. Jeffords, Esq., attorney-at-law, No. 416 Fifth street N. W., in the city of Washington, District of Columbia, to take testimony on behalf of the defendant in the above-entitled cause.

Present: Tracy L. Jeffords, Esq., counsel for defendant; Chas. A. Douglas and Joseph D. Wright, counsel for complainant; witness and examiner.

Mr. J. P. O'LAUGHLIN, a witness of lawful age produced by and on behalf of the defendant in the above-entitled cause, having been first duly sworn according to law, deposes and says as follows:

My name is J. P. O'Laughlin and I reside at Lockhaven, Pennsylvania; my occupation is that of an attorney. I have known Mr. Gibson since about 1892 and have known Mrs. Gibson since about 1893 or '4. I visited frequently at their house when they lived on

Capitol Hill—220 East Capitol street—going there to see Mr.
144 Gibson a number of times—quite frequently.

By Mr. JEFFORDS:

Q. What of your other acquaintance or relation with them, if any?

A. I was attorney of record for Mr. Gibson in equity suit No. 19173, filed against him by Mrs. Gibson for divorce from him. The date of the filing I do not remember, but the testimony was commenced to be taken in April, 1898. The decision was handed down.

By Mr. DOUGLASS: The record speaks for itself, and you do not propose to have Mr. O'Laughlin testify about it?

By Mr. JEFFORDS: No, sir.

The WITNESS: At that time they were living apart, and I represented, as I said; Mr. Gibson in the case, and an adverse decision was handed down.

By Mr. DOUGLASS: I object to that last statement going down, and will make a motion to strike this from the record as manifestly inadmissible upon the ground that the record will speak for itself if the matter is relevant from any point of view.

By Mr. JEFFORDS :

Q. Can you fix the time when they were living apart? A. They were living apart during the pendency of the suit and subsequent thereto until I left town. That was in March, 1899.

Q. And about when did this separation occur, if you know?
145 A. It occurred the winter of 1897 and '8; I cannot fix the month.

Q. During the few months prior to your leaving the city, where did you live? A. From January, 1898, until the middle of March, 1899, I lived at 1602 13th street, together with Mr. Charles A. Gibson, Mr. Henry K. Beck, and part of the time a younger brother of mine was residing there also.

Q. What was his name? A. Edward.

Q. Was Mrs. Gibson there during the time that you were there?
A. Mrs. Gibson was there during the time that I was there but once.

Q. When? A. That was in the early part of November, 1898, I believe. She came there to the door that evening with some gentleman with her, they both having driven there. The gentleman asked for Mr. Gibson at the door. Mr. Gibson answered the door, and Mrs. Gibson—the first I saw was after Mr. Gibson called me downstairs—she was standing at the door and got inside in the hallway, just inside the door. I escorted her out, and escorted her down the street to the car, and put her on the car.

Q. What was the occasion of your leaving this house, No. 1602
13th street? A. I went into the practice of the law in Philadelphia.
Pa.

Q. You speak of living at this house, and that Mr. Gibson and Mr. Beck were there; whose house was it? A. The house was rented to Mr. Beck, in whose name the lease was, by a firm of real-estate agents on F street.

Q. Then he was the proprietor of the place? A. Mr. Beck
146 had the lease, and had charge of all the arrangements in regard to the purchase of food, payment for the same, keeping of the accounts, the employment of help, the discharge of help, and in a good many other ways had charge of the internal arrangements of the household.

Q. And how were you and Mr. Gibson living there? A. Associated with Mr. Beck, he telling us how much we owed him at the end of each month for the expenses of the household during the preceding month, which we paid him.

Q. Did you know Hattie Wise? A. She was the colored servant in the household.

Q. Who employed her? A. Mr. Beck.

Q. Who paid her? A. Mr. Beck, always.

Q. From whom did she take her orders? A. From Mr. Beck, as to the preparation of meals that were to be cooked, and other services that she rendered for us.

Q. What about Mrs. Gibson coming there to live, if anything?
A. Mrs. Gibson did not come there to live during the time that I lived there. Just before I left the house during the latter part of

February and a few weeks in March that I lived there Mr. Gibson and Mr. Beck and myself had numerous talks about her coming there to live after I left there and as to the apportionment of the rooms—where she should room and where Mr. Gibson should. We talked the matter all over between ourselves, and decided what was best to be done under all the circumstances.

By Mr. DOUGLASS: I object to the last answer of the witness, upon the ground that the conversations which took place between
147 himself, Mr. Beck, and Mr. Gibson are not admissible in evidence here, upon the ground that it was hearsay so far as Mr. Beck and Mr. O'Laughlin are concerned, and the declarations of Mr. Gibson in connection therewith are inadmissible, on the ground that they are self-serving declarations.

By Mr. JEFFORDS:

Q. What, if anything, did Mrs. Gibson, herself, say to you about this matter?

By Mr. DOUGLASS: I object to that question as leading. There is no evidence here, so far, that she said anything to him on the subject.

The WITNESS: Mrs. Gibson, I think, said nothing to me about her coming.

By Mr. JEFFORDS: Here is a photograph and a drawing which have been put in this case as exhibits by the petitioner, and a tin-type also. What is this photograph, if you can tell? A. The photograph appears to be one of house No. 1602 13th street, together with a portion of another house just south of it on 13th street.

Q. Who lived in that other house, if you know? A. I believe that Dr. Ames lives in this house south.

Q. Who is Dr. Ames? A. Dr. Ames is a clerk in the document-room, in the Interior Department.

Q. From that photograph, should you say that it fairly represented the house from that point of view? A. I think it does.

Q. How many stories? A. Three stories and the cellar—
148 two stories back.

Q. How many rooms on the top floor? A. Two, both being bed-rooms.

Q. How many rooms on the middle floor or second floor? A. Beginning with the front on 13th street, there is a bed-room, then a library, then a bath-room, then a gun-room or storage-room, then a stairway, and then a bed-room.

Q. On the ground floor how many rooms? A. Beginning with the front on 13th street and going back, there was a parlor and another parlor—folding doors between them—a small china closet or pantry, dining-room, and kitchen.

Q. When you went to this house to live, who was there, if any one? A. The house had been vacant; we moved our furniture there, and we went there to live—the three of us mentioned.

Q. Did you all three go at the same time? A. Yes, sir; to the
10—1036A

best of my recollection ; we may have been a day or so apart ; I believe we went there together.

Q. Who made up the members of the household all told ? A. Mr. Beck, Mr. Gibson, myself, and my brother Edward.

Q. And how many servants, and who ? A. One colored servant, Hattie Wise.

Q. Was that the condition during the whole time that you were there ? A. Part of the time my brother was not there.

Q. When you went there, and while you lived there, what was the arrangement about furnishing the house ? A. Each bed-room
149 was furnished by the man occupying it. The general furniture of the house, excepting some bric-a-brac and a piano and a few small articles, were owned in community, Mr. Beck being in charge and having control of the matter.

Q. Owned by what persons ? A. By the three gentlemen named, Mr. Beck, Mr. Gibson, and myself, my brother having no interest.

Q. When you went there how did you determine what bed-rooms were to be occupied by each person ? A. I volunteered to permit the other two gentlemen, not including my brother——

By Mr. DOUGLASS: I object to any testimony on that line, upon the ground that it is hearsay, self-serving so far as the declarations or statements of the defendant are concerned, and otherwise irrelevant and incompetent.

The witness continuing : To make selections of rooms that suited them, and I would take my choice of what was left. This was done, I selecting the bed-room on the second floor back, being immediately over the kitchen, Mr. Gibson selecting the bed-room facing on 13th street on the second floor, Mr. Beck selecting the one just over his on the third floor—just over Mr. Gibson's on the third floor—fronting also on 13th street.

Q. That left how many bed-rooms unoccupied ? A. That left one room that was used as a bed-room unoccupied.

Q. And where was it ? A. It was on the third floor back, being the back room of two on the third floor. There were no other rooms on the third floor.

Q. Who occupied that room ? A. The servant, Hattie Wise.

150 Q. Did that arrangement continue all the while you were living there ? A. That arrangement continued in the same way during the time I resided there.

Q. How long had you known Hattie Wise ? A. I had known her from about 1894, I should say.

Q. Where had you known her ? A. She was my washerwoman all the time from that on until I left the city, or until I went to 1602 to live. She had been the washerwoman in the household in which I lived at 1116 Vermont avenue when I first became acquainted with her.

Q. What were your meal hours at this house 1602 13th street ? A. On week days we ate breakfast usually before nine o'clock and we had dinner at six o'clock, and on Sundays breakfast was a little

later, and during the week we had but two meals a day at the house, as a general rule, while on Sundays we had three usually.

Q. During the day where were you and Mr. Gibson and Mr. Beck? A. During the day I was in my office; I do not know where they were. Of course I do know sometimes where they were when I saw them around town.

Q. Were either of them employed; and, if so, where? A. Mr. Gibson was employed at the Capitol and Mr. Beck in the real-estate business at 602 F street.

Q. The front room on the middle floor had what communication, if any, with the next room to it on the same floor? A. On the second floor, my recollection is that the front room and the one next to it on the west had no immediate communication, it being
151 necessary to go into the hall in order to leave one and get into the other. However, on the third floor there was a communicating door between the front room and the one next to it.

Q. What was this second room from the front on the second floor used for? A. Library. It had book shelves all around it on all four sides; it had a library table or desk, together with four or five chairs in it, and outside of a waste-paper basket I think no other furniture.

Q. Were you in that room about every day or night or both? A. It was the loafing-room of the house. I spent a great deal of my time there.

Q. Was there ever any lounge in it? A. There never was a lounge in it while I was there.

Q. Was there ever a bed in it? A. No, sir.

Q. Was there ever a couch in it? A. There never was a couch in it while I was there.

Q. Was there a settee or sofa or divan in it? A. Nothing of that kind while I was there.

Q. Was there any lounge, or couch, or sofa, or settee, or divan on that floor? A. There was not.

Q. How far from the wall did these book shelves you mentioned extend? A. I should say about ten inches or eleven inches.

Q. How high were they? A. About four feet, almost completely filled with books.

Q. Where in this room was this table you mention? A. In the center of it.

152 Q. And about what size table? A. About three feet by four feet. I should say, standing the usual height of a desk.

Q. What was this room next west of the bath-room used for? A. Stored guns, stored desk, and a table there part of the time; some books and a great many papers. This was about the only use we had for it. A short time my brother used it to do some writing—probably for three or four nights. I used it for the same purpose, all told, probably three or four nights.

Q. How large a room was it, about? A. I should say it was ten feet square, being probably a little bit wider than it was deep—a little bit larger north and south than it was east and west.

Q. And how full was it? A. It was quite filled up with all materials stored in there.

Q. During the time that you were there, for what other purposes was it used than those you have mentioned? A. I know of no purpose that it was used for except as a storage-room.

Q. About how long was this desk kept in there that you mentioned? A. It was a little smaller than the one——

Q. About how long a time, I mean? A. It was there most of the time.

Q. Did you ever know Mr. Gibson to use it? A. You mean the roll-top desk?

Q. Yes, sir. A. He used it very seldom, if at all: probably he did not write a half-dozen letters on it during the whole time
153 that I was there.

Q. Where did this desk come from, if you recollect? A. He brought it with him when he came to the house. I saw the desk before it came there at 220 East Capitol street.

Q. At what times was Hattie Wise at the house and when was she away, if you know? A. She was there at all times, usually, except when she would go to church. She had some sort of a meeting which she attended, I think, once every two weeks—probably once a week—and she would be out part of one evening.

Q. What, if anything, did you know of her having company at the house? A. She occasionally had colored women coming there to see her. I saw some in the kitchen several times—a number of times.

Q. Any other company that you know? A. None that I saw; never any other women of any other kind except colored women who came to see her were in the house while I was there, and no women other than the ones I mentioned—Mrs. Gibson being there—were in the house at all except colored women, who were there to see the servant.

Q. What, if anything, do you know about her having any men call? Q. I never saw any men who were there to call on her, and know of none having been there to my personal knowledge.

Q. Where was Mr. Gibson's desk before he moved it there? A. My recollection is the desk came from 220 East Capitol street.

Whether immediately from there I do not recall.

154 Q. Do you remember whether it was in your office for a time or not? A. Yes, sir; it was in my office for a time.

Q. Now, then, see if you can tell when it was moved up to the house. A. The desk was in my office, 602 F street, until some time before I left there—some short time before I left there—and I left there probably the latter part of December of 1898.

Q. Was it at that time or shortly after that that the desk was moved up to the house? A. Yes, sir.

Q. So that it would make the moving to this house about what time? A. To the best of my recollection, it must have been some time in November or December of 1898.

Q. You spoke of Mrs. Gibson coming up to the house in October

or November of 1898, and said something about what happened; do you recall anything further that happened? If you do, please state it. A. I recollect some of the conversation.

Q. With her? A. In my hearing, during the time that she was there.

Q. Was it in the hearing of Mrs. Gibson? A. It was by her.

Q. Tell what it was. A. The substance of it was that she insisted on coming and living with her husband and had every legal right to be there in that house, because he resided there and she wanted to be with him. I told her that under the conditions it was impossible at that time. I walked down the street with her, explaining to her the details why it was impossible. We were
155 living there, a lot of men together, with no conveniences for her at that time, and no place for her to stay.

Q. When did you see her next, and where? A. Around that time I saw her several times, but I believe, next to that, anything I had to say to her was in connection with an adjustment of her maintenance.

Q. Did she come to your office in December, 1898? A. Whether it was in December, 1898, I am not entirely certain, but I believe it was. She came there by arrangement to see me, and while she was there Mr. Gibson was in the office. I talked with both of them a little while about adjusting their relation, and then I went out, leaving her there with Mr. Gibson.

Q. After she brought this second suit for divorce, did you talk with her at any time? A. This pending suit?

Q. Yes, sir. A. I talked with her in Mr. Douglass' office shortly after it was filed, Mr. Douglass and Mr. Wright being there representing her, and the talk being as between all the four of us. I saw her during that same visit of mine, which was of two or three or four days' duration, at the corner of 5th and F streets, and talked with her for half an hour or so.

Q. What did she say to you at that time? A. At 5th and F my conversation with her was to induce her to amicably settle their difficulties, and her talk with me was largely refusing to do so, though toward the end of the conversation softening considerably, and her agreement to think it over. She was certainly positive, though, in the earlier part of the conversation that she had Mr. Gibson where she wanted him. She wanted revenge and not money, and that money would not repair the wrongs that she believed
156 she had sustained.

Q. Did she use the word revenge? A. During that conversation my recollection is she did. She seemed to be very bitter—she talked that way.

Q. Did you know Dr. Ames, who lived next door? A. I knew him by sight.

Q. Now, what was the style of living at this house? A. Well, we lived comfortably, but not extravagantly. Sometimes in the evenings a few of our friends called and we gave them something to eat and something to drink, and on about four occasions we had a little

extra company—gave them something to eat and something to drink; sang sometimes as late as eleven o'clock, I believe on one occasion as late as twelve o'clock; possibly, a little later. These were gentlemen I speak of who came to our house.

Q. Were there any ladies present on any of these occasions? A. The servant, and on one occasion she had a colored girl with her. The servant was there in the capacity of a servant and nothing more.

Q. What was done at these meetings when you had something to eat and drink and a good time? A. We had just what I have said—something to eat and something to drink—and we sat in the parlor and sang.

Q. Was the servant girl, Hattie Wise, in the parlor on any of these meetings? A. Waiting on our guests who were there.

Q. Where was the piano? A. The piano was in the back parlor, on the first floor; that means the second room from the 13th Street front.

Q. On these occasions was there playing on the piano? A. Yes, sir; lots of it.

157 Q. Who did the playing? A. Mr. Beck. I usually did the singing, together with assistance in some of the choruses by some of the other gentlemen present.

Q. What, if anything, do you know about complaint being made or persons watching the house? A. An intimation was made to me that there was such a thing being done. I went to the lieutenant of police of the precinct and gave him my card at his office and told him I understood such watching was being done, and I said to him that if any of the neighbors complained of any noises or of anything there, if he would send an officer to my office or house I would have it discontinued. He assured me that he would do it.

Q. Who lives on Q street next to Dr. Ames? A. Mr. Marsh and his wife and two daughters part of the time, his wife being an invalid.

Q. Did you know them? A. I knew them by sight. I knew Mr. Marsh to speak to him in a business way. I knew the daughter also, and called on her two or three times.

Q. What, if anything, do you know about the marketing at this house? A. It was all done by Mr. Beck at all times, except, possibly, two weeks while he was away, when it was in my charge. Mr. Beck did it himself or sent his clerk to do it.

Q. Where was Mr. Beck's office at this time? A. 602 F street.

Q. Was your office at the same number? A. Yes, sir; part of the time I was with him in the same room.

158 Q. And when you speak of his having done the marketing or sent his clerk, do you speak from your own personal knowledge? A. I do, sir. During this time I bought occasionally a few little things for the house at my own motion, as did Mr. Gibson.

Q. Like what, for example? A. Matches, soap; that would be very rarely.

Q. What, if anything, do you know of Mr. Gibson going in person with Hattie Wise to the market? A. I know nothing of it; never heard of such a thing having been done, and know nothing of Hattie Wise having gone to market where we dealt, and know of no occasion that she had business to go there.

Q. Did she go to market? A. My recollection is she had no business to go there. At the stores around there, probably on very few occasions, she bought some small things, and I think at least on two or three occasions she bought—maybe a few more than that—she bought meats for our dinner, when the others would be late in getting from the Centre market.

Q. What, if anything, do you know about your arrangements and the fact of your being together at meal time? A. At breakfast and dinner—that was morning and evening—almost invariably our breakfast—Mr. Gibson's breakfast and mine—we ate together, Mr. Beck eating his a little bit before us, probably ten or fifteen minutes before. We were generally coming down the stairs when Mr. Beck was leaving the house. After our breakfast Mr. Gibson and I would ride or walk to our offices, usually leaving the house together. In the evening, at dinner, the time fixed was six o'clock. Almost without exception we were there at six o'clock to eat our dinner.

159 Q. There is some testimony in this case about a lounge or bed being against the north side of the library, near the northwest corner? A. During the time that I lived at that house there was no lounge in that room.

Q. You have spoken about book shelves being around the room; were those shelves there all the while you lived at that house? A. They were put in there very shortly after we moved into the house and remained there until I left.

Q. Did they cover the entire north wall of that library-room? A. Except part that was used for a door.

Q. Would it be possible during any part of the time that you were there for a bed or lounge to have been placed against that north wall near the northwest corner of that room? A. During the time that I was there there was no bed, sofa, settee, lounge, reclining chair, or any piece of furniture of that character in that room, nor any near by, that could be taken into it.

By Mr. WRIGHT: I move to strike out the last part of that answer as not responsive.

By Mr. JEFFORDS:

Q. Could any piece of furniture be put up against that north wall near the northwest corner of that room without moving away those books and book-cases? A. The northwest corner of that room was occupied by a door. This diagram is wrong in that respect (referring to the diagram Exhibit C). I mark with blue pencil on the diagram

160 Exhibit C where the door was while I was living in that house, there being no door where the mark in ink now is, and where I have made an X with blue pencil on the diagram, that place being occupied by book shelves.

Q. From that doorway, which you indicated in the north wall of the library building, about how far is it to the northwest corner of the room? A. Probably three feet.

Q. And what about the width of that doorway? A. The ordinary three feet and a half or three-foot doorway.

Q. Against the north wall of this same room, east of that doorway, what was placed? A. Book shelves, the whole length to the corner.

Q. Is there any place or portion of the north wall of that room against which a bed or couch or lounge could have been placed during the time you were there? A. There never was a bed or a couch or a settee or anything of that character placed against the north wall of that room while I was there.

Q. What technical knowledge of drafting have you, if any? A. I have had several years' experience in drafting, and at the present time in my practice do a great deal of it in the way of drawings of buildings and building plats and of tracts of land such as that—all drawn to scale.

Q. Are you thoroughly familiar with the plan of this house, 1602 13th street? A. I am thoroughly familiar with it as it is located, but know none of the dimensions except what I recall. I never measured, to my recollection, any of the rooms or windows.

Q. Here is an alleged diagram of the floor plan of the second floor of that house 1602, and it has been put in this case as Exhibit C. Will you look at it and point out what errors in it you see, if any, and mark them as you give your testimony? A. Commencing with the westernmost room on the second floor, I mark, on the south side, two windows that do not appear, in blue pencil. On the north side of the same room I mark another window which does not appear on the draft. On the eastern side of the same room a window appears which is not drawn to scale, it being a smaller window. The window is drawn to a larger scale than the rest of the diagram is drawn to. Then the part of Exhibit C marked B in ink for reference shows on the diagram a window on the south side thereof. There is no window there. I mark X through it. The window indicated with ink in room numbered four, on the second floor, is drawn to a larger scale than the rest of the room, the window being smaller than is indicated by the draft. On the western side of room numbered four there is indicated an open doorway leading beyond. This is incorrect. It should be a doorway leading into a closet about twelve inches deep. As I have before testified, room numbered two, the library, shows the door leading into the hall A, incorrectly, the door being within three feet of the western wall instead of being within the same distance from the eastern wall, as appears by the diagram. The window of room numbered two, on the south side, is drawn to a larger scale than the rest of the room. At the head of the stairs, marked A on Exhibit C, there should appear a closet. I indicate roughly, with blue pencil, where same should be. The stairs should also be marked as ascending stairs.

Q. How about room numbered one? A. Well, now, I do not

162 want to go into that room unless there is something materially out of place about it. I want to add that the window marked number seven on the photograph of the house, Exhibit A, is the southern window of room numbered two, the library.

Adjournment was thereupon taken until Thursday, June 21st, 1900, at 11 o'clock, at the same place.

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2nd session.

THURSDAY, *June 21*, 1900—11 a. m.

Cross-examination.

By Mr. DOUGLASS:

Q. Mr. O'Laughlin, when did you first become acquainted with Mr. Gibson? A. I believe to the best of my recollection it was in 1892.

Q. What time was it that you moved into the house 1602 13th street? A. In January, 1898.

Q. Were you good friends prior to that time? A. With whom?

Q. You and Mr. Gibson. A. Always have been since I have known him.

Q. Have you been intimate friends since that time? A. I have left the city. We will have to agree on the definition of intimate.

Q. You understand what I mean by the term intimate? A. As I understand the word intimate I am not an intimate friend of his now, because I do not live where he does.

Q. Were you an intimate friend of his up to the time that you left Washington? A. Yes, sir.

Q. Are your relations as cordial and as warm now as they were then? A. They are when we have occasion to be together. I have been here only twice for a few days since I left.

Q. You say that Mr. Beck leased this house? A. Yes, sir.

164 Q. That was done and the lease taken in that way simply for the purpose of convenience, was it not? A. I was not consulted in regard to it at all—the method of taking the lease. Mr. Beck located the house and selected it; told me where the house was. I looked at it. Mr. Beck made the arrangements as to the rent with the real-estate agents and made all the arrangements that were to be made in connection with it.

Q. After consulting you and Mr. Gibson about it? A. My recollection is that there was not much consultation with me about it. I went to look at the house once, I think that was all, and I said it was satisfactory.

Q. You said the house was satisfactory? A. Satisfactory to me.

Q. And the price? A. Yes, sir. My recollection is that at that time I did not know the price. I depended upon Mr. Beck, who was a real-estate agent himself, at securing it at a fair price. I do not know the price now.

Q. Don't you know that you gentlemen paid \$37.50 rent for that house? A. I do now that you mention the figure.

Q. Don't you know that the selection of the house and the rental for the house was agreed upon between you and Mr. Gibson and Mr. Beck before the house was selected and the lease entered into?

By Mr. JEFFORDS: I want to note an objection here for the reason that the price of monthly rental for this house does not tend to prove adultery, and this testimony is immaterial.

The WITNESS: As I have said, I went to examine the
165 house, and said it was satisfactory to me. I was not present when the deal was closed, nor was I consulted by the real-estate agents, nor did I consult them with regard to it.

Q. For what length of time did you gentlemen agree to take that house? A. Positively, I do not know.

By Mr. JEFFORDS: I object to that kind of questions because the testimony shows that the gentlemen did not agree to take it, but Mr. Beck agreed to take the house.

By Mr. DOUGLASS:

Q. Was Mr. Gibson consulted about the house? A. I do not know.

Q. Did you have any talk with him about it yourself? A. I do not recollect. I presume I had, however.

Q. Did Mr. Gibson agree to pay the rent for the house? A. Agree to pay what?

Q. Did he agree to pay the rent, \$37.50, for that house? A. Not within my hearing; no, sir.

Q. Did he agree to pay one-third of it? A. To whom?

Q. I ask you to whom. Did he agree—and, if so, to whom—to pay it? A. I do not know.

Q. Did he pay one-third of the rent? A. I saw him part of the time pay Mr. Beck what Mr. Beck said was one-third of the expenses of the household.

Q. Did that include, or not, the rent of the house? A. My
166 one-third always did. I presume his did also.

Q. Don't you know that there was a well-understood arrangement between you three that that house should be taken and the expenses paid, and that each one of you should pay your one-third, including the house rent and the expenses of running the house? A. Well, that was the result of our living there. We did that. As to an agreement, I do not quite understand what sort of an agreement you want to establish as having been entered into.

Q. Was not that agreement entered into before you decided to take that house and live together? A. As a matter of absolute fact, I think there was no such agreement entered into, for this reason: That we had previously been living together in another house for which I was the agent, and it was not furnished, and no rent was collected at all of any of us. We then, during that time, each paid one-third of the cost of living. I think the matter of a division, after we moved to the other house, was not entered into, because it

was not necessary. It was understood. It had been customary for us to pay our one-third of what it cost to live. We paid it to Mr. Beck monthly.

Q. Mr. Gibson, then, did ynot pay \$37.50 rent for that house? Q. Mr. Gibson?

Q. Yes, sir. A. No, sir.

Q. Is there no foundation at all for the statement that he did pay \$37.50 for the rent of that house? A. I cannot answer that question, because it is too indefinite.

167 Q. You don't understand that question. A. I replied that I could not answer it, because it is too indefinite.

Q. It conveys no idea to your mind at all? A. Of course it conveys some idea, as it would to any sensible mind.

Q. Did Mr. Gibson pay Hattie Wise's wages? A. I think, almost without exception, Mr. Beck paid her during the time that I was with them.

Q. Did Mr. Gibson employ Hattie Wise? A. No, sir; I employed her in the first instance. Mr. Gibson was not living with us at all.

Q. Did he ever employ Hattie Wise during the period of time that you lived in that house, 1602 13th street? A. Mr. Gibson employ her?

Q. Yes, sir. A. She was employed there; Mr. Beck paid her. I have explained the conditions under which she worked there.

Q. Did he, Gibson, ever employ her? A. I do not know that he did. I think not. I do not know for what purpose he could employ her.

Q. Was she under Beck's exclusive orders, or was she subject to the orders of all three of you? A. Mr. Beck was the head of the household, purchased all that was used there almost exclusively, leased the house, attended to all those arrangements, had the arrangements with the servant as to coal, ice, wood, etc.; had those things in his control.

Q. Well, that does not exactly answer my question. Was she, in her work and in the things that she was required to do in and about the house, was she subject to the orders of only Mr. Beck, or subject

168 to the orders of either one of you three gentlemen? A. I presume that if I had asked her to do something for me she would do it, as she did on two or three occasions. If the other members of the household requested her to do something for them I presume she would have done it, and have no doubt she did it.

Q. Under the arrangement in that household, as a matter of fact, did you and Mr. Gibson have a right to direct Hattie Wise to do anything that you might want attended to? A. As to the right, I cannot say; we never asserted any right; we never had occasion to direct her. Mr. Beck ordered the food and had it sent there. The servant had charge of the method of cooking it, without any suggestions, I think, from any of us. She was largely her own boss.

Q. Who owned the bulk of the furniture in that house? A. I owned all that was in my bed-room. Mr. Beck owned all that was in his and owned some that was not in his. I owned some consider-

able that was not in my bed-room. It was understood between us that that which was in the bed-room was the exclusive property of the man who slept in the bed-room, and that the rest of the property in the house was owned in community, in common.

Q. Was the piano owned in common? A. I specifically excepted the piano yesterday in my testimony-in-chief.

Q. To whom did that belong? A. Mr. Beck.

Q. Who owned the library furniture? A. The library furniture?

Q. Yes, sir. A. I should say that was owned in common. I took the table there and I took one of the chairs there.

169 Q. Who owned the books? A. Mr. Beck owned very many more, probably as many as both of the other of us combined. I owned quite a number of them. Mr. Gibson owned a number of them; there were a great many books there.

Q. Was not a considerable amount of furniture moved from 220 East Capitol street to 1602 13th street? A. I think there was some furniture moved from one to the other; but the understanding as to the community was arrived at after Mr. Gibson had commenced to live with us; that was, of course, as I have explained before, previous to our living at 1602 13th street.

Q. The furniture he moved there was to be owned in common by you three, excepting the bed-room furniture? A. If it was not owned in common, as a matter of absolute fact, I think it belonged to me under an arrangement I had with Mr. Gibson. I do not recall now—I tore up some of the papers—it occurs to me I had a bill of sale of the furniture once, in the nature of a mortgage. I am not certain of it, but I think I had. I haven't it now.

Q. Mr. Gibson owed you some money? A. Well, he owes me some money now. I hold his promissory note for \$1,000 now. It is over a year old now—two years old now, I guess.

Q. For what length of time was a lease on that house taken? A. I never saw the lease as I recollect now.

Q. Did you never know for what length of time you rented the house? A. I could not tell unless I saw the lease—unless some one told me.

170 Q. There was no understanding between you and Mr. Beck and Mr. Gibson as to what length of time the house was taken? A. If I were to give my understanding of it, it was a year.

Q. You went into the house in January, when? A. 1898.

Q. You left in March, 1899? A. Yes, sir.

Q. Do you know whether or not Mr. Gibson incurred expense and indebtedness for furnishing that house? A. He did. I saw the furniture bill, and my recollection is that I guaranteed the payment of whatever he incurred for him.

Q. For furnishing the house or for a bed-room in the house? A. For furniture that he bought; I think it was a bed and maybe a chiffonier.

Q. Is that all? A. I do not recall the exact articles.

Q. I say, Mr. O'Laughlin, is that all you remember? A. That is all I remember the names of. There were others, though.

Q. Do you remember where he bought that furniture? A. Moses.

Q. Do you remember the amount of the bill? A. No, sir.

Q. Did you say, Mr. O'Laughlin, whether or not Hattie Wise's wages were paid equally by you three in settlements of each month's expense? A. I believe it would be included.

Q. And they were paid by the three? A. I presume so. I had mine handed me on a slip of paper. I paid it, invariably, unquestionably.

171 Q. Mr. Gibson did so too? A. I think so; I know nothing to the contrary.

Q. I believe you said the other day that you only had one servant? A. One servant who remained there.

Q. You had a woman that cleaned up the house and washed the clothes, etc.? A. She was there a few times to clean up the house; she washed on Mondays for us; she came once a week to do the washing for the house.

Q. So that the washing and ironing and cleaning of windows was done by a servant that came there once a week, at stated times? A. No, sir.

Q. How was that done? A. The servant came there once a week to do some washing and—part of the washing and part of the ironing; came there at infrequent intervals to clean the windows; probably three times while I was in the house.

Q. You say that Dr. Ames was your neighbor, who lived in the house immediately south of 1602 13th street? A. Yes, sir; I believe so.

Q. Is he a doctor of medicine or doctor of divinity? A. I do not know.

Q. You know he is a preacher, don't you? A. I do not know anything about it.

Q. His house fronts on what street? A. On 13th street.

Q. And is the rear of the house on 13th street or is it west? A. Whose house?

172 Q. The rear of Dr. Ames' house. A. It is west, fronting on 13th street and extending west along Q street.

Q. Does not the house run north and south along 13th street? A. It is a matter of opinion which way it runs.

Q. It is a matter of fact. A. I do not think it is.

Q. I show you, Mr. O'Laughlin, the photograph of the house 1602 13th street; what house is this that is shown partly in the photograph to the south of 1602 13th street? A. It would be Dr. Ames' residence.

Q. Is that the front or the rear of that house? A. Well, it is either the front, the rear, or the side, as you want to make it.

Q. You don't know which it is? A. I do.

Q. Well, what is it? A. It is the front; the front of the house is on 13th street, and we usually consider a house as extending in an opposite geographical direction, which would be west along Q street. If you want to make it any other way—that explains the location of the house—you may make it any other way.

Q. How far is the end of the house which you say you can make front or back, that is shown in the photograph, from the house 1602 13th street? How far is the north end of the Ames house from 1602 13th street? A. There is an alley, the house 1602 13th street abutting thereon. The alley, I should say, was 12 or 14 feet wide; it is a little distance from that to the north end of Ames' house.

Q. Dr. Ames' yard, by the north end of this house, is
173 separated from 1602 13th street by an alley, is it not? A. By an alley and a brick wall—a high brick wall.

Q. How high is that brick wall? A. I do not recollect how high.

Q. Four or five feet? A. I do not recollect, I say; it was higher than a man's head. There was no occasion to ever notice it, particularly.

Q. That wall runs north and south? A. No, sir; east and west—parallel with the alley.

Q. I believe you said that that photograph accurately represents the view of the house 1602 13th street as it would appear from 13th street opposite the north end of Dr. Ames' house? A. I did not say that.

Q. Is that correct or not? A. I say, I believe, from a superficial look at it, that it fairly represents the house.

Q. Take a careful look at it and say whether it accurately represents the house. A. I think it fairly represents the house. I believe it to be a photograph of 1602 13th street, and there is no evidence on the photograph that it has been tampered with. I think it is a fair representation of it.

Q. Is it not, as to the general outline of the house, the number and the location of the windows, an accurate representation of that house? A. I should say it was; yes, sir.

Q. I show you, Mr. O'Laughlin, the tintype which is in evidence; do you know any of the gentlemen whose pictures are represented in that tintype? A. It appears to represent two gentlemen whom I
know.

174 Q. Who are they? A. One resembles Mr. Gibson and the other resembles Mr. McKay.

Q. One of those pictures is a picture of Mr. Gibson? A. It appears to be one of him. It is a fair likeness of him; yes, sir.

Q. Which one is it? A. The one indicated by number one, in ink.

Q. How dressed? A. Dressed in the lighter clothes of the two.

Q. Referring to the rooms, you said you occupied the bed-room over the kitchen until the time you left there in March, 1899? A. All the time that I was there until I left.

Q. That is the second-floor back room? A. The westernmost room on the second floor.

Q. How many windows has it? A. Just two windows on the south side, one window on the eastern side, one window on the north side.

Q. None on the west? A. No, sir.

Q. What is the size of that room? A. It is an irregular-shaped

room; it was the entire width of the house, probably ten feet from east to west.

Q. What is the width of the house? A. The entire width of the whole house?

Q. Yes, sir. A. I should say, from recollection, that it must have been 16 or 18 feet wide.

Q. It was an excellent, comfortable room, was it, Mr. O'Laughlin? A. I always found it so; yes, sir. It was a little troublesome on account of the kitchen being under it and the fumes arising therefrom.

Q. You suffered no inconvenience from that, did you? A. None other than just what I have stated.

Q. That amounted to little or nothing? A. At different times it amounted to more than it did at others.

Q. Mr. Gibson occupied the front room on the second floor? A. Yes, sir; he selected that room when we went there, having the option to do that.

Q. Then there came the library and the bath-room and this additional room, which you call the storeroom, and the room you occupied? A. Yes, sir; that is exclusive of closets, stairways, and places of that sort.

Q. While you were there Hattie Wise and Beck had their respective rooms on the third floor? A. Yes, sir; Mr. Beck having the front and Hattie Wise the back room. Mr. Beck selected that as being the one he chose to have. Hattie Wise took the back one because that was what was left; she had to take it.

Q. Do you know who occupied the room which you had formerly occupied after you left in March, 1899? A. I never saw anybody occupy it after I left.

Q. Did you ever see any furniture in it after you left? A. I did see furniture.

Q. Could you tell from the furniture or anything in the room who occupied it? A. I should judge that the servant occupied it. I should say that the colored servant occupied it.

Q. You mean Hattie Wise? A. I do not know. I suppose it was so. I was not living there.

Q. She was still employed there at the time you saw the room? A. Yes, sir; I believe she was. I am just trying to think in what part of the house I saw her, or whether I saw her there, while I was there. I am sure she was employed there.

Q. You are sure? A. Yes, sir.

Q. You say your meal hours were usually between 8 and 9 for breakfast and about 6 for dining—for dinner—during the week days? A. Yes, sir.

Q. I suppose, Mr. O'Laughlin, that some evenings you spent at home and other evenings you spent out? A. Just as I saw fit—the same with the other gentlemen.

Q. That is just what I supposed; Mr. Beck did the same way, and so did Mr. Gibson? A. I presume so. I never questioned their being in or out.

Q. I believe you say Mr. Gibson was employed at the Capitol?
A. Yes, sir.

Q. And you were at that time a practicing lawyer in Washington?
A. Yes, sir.

Q. And, of course, you knew nothing of the movements of
177 either Mr. Beck or Mr. Gibson, except occasionally, while
you were at your work? A. No; I did know a little more
than that. For a time my desk and Mr. Beck's were in the same
room, and, of course, knew quite a little where he was during that
time. During the greater part of the remaining time that I lived
at 1602 13th street my desk was in a room on the floor next above
that on which his desk was located, in the same building.

Q. Yourself and Mr. Beck? A. Yes, sir. As to Mr. Gibson, quite
generally it was our custom to either walk away from the house,
or ride away from the house, together, I walking down to my office,
or riding to it, and he to his at the Capitol.

Q. And ordinarily you saw him again not until dinner at 6? A.
Yes, sir; ordinarily.

Q. Some evenings after dinner you would go out and stay till bed
time, and sometimes he would go? A. The same with all the other
gentlemen; yes, sir.

Q. Do you know, Mr. O'Laughlin, when Mrs. Gibson actually
moved into that house to live? A. No, sir.

Q. That is, after you had actually moved away? A. Yes, sir.

Q. About when was it that you had the conversation at the door
of the house with Mrs. Gibson, testified to in your direct examina-
tion? A. If you refer to the conversation that I had, which is the
only one I recollect having had with her there, it was early in No-
vember, 1898.

Q. That is the conversation I refer to. A. It was 1898, be-
178 cause it was just election time. It must have been in No-
vember.

Q. Do you recollect who came with Mrs. Gibson there? A.
I did not know the gentleman at that time, and I did not recognize
him. I believe it was Mr. Simms.

Q. Who was at the door when you came down? A. Mr. Gibson,
Mrs. Gibson; and this other gentleman had gone toward the gate-
way.

Q. Didn't Mr. Gibson, in your presence, order Mrs. Gibson out of
that house? A. I believe his exact words were, "You must leave
here."

Q. Did he say it in a polite or in an angry manner? A. They
were both very angry at the time; and I judge his manner was not
a polite manner. Mrs. Gibson herself—I should call it angry.
She asserted her legal right to remain there and live there, because
her husband was living there. She asserted so in a very loud,
though lady-like, manner, all the time the conversation continued.
The voice of each became louder as they talked.

Q. Did Mr. Gibson curse Mrs. Gibson at that time at that conver-
sation? A. Mr. Gibson is given to cursing so much that I have

ceased to pay any attention to it. It is a constant habit of his; he curses on all occasions. I do not recollect.

Q. Did he not say to her: "God damn you, get out of here," or something to that effect? A. I do not recollect. He may have done so. The burden of his speech was that Mrs. Gibson must leave there, and my endeavors with her were to have her leave peaceably and quietly. I think he asserted it in different ways, at the time, besides the words I have stated. He used as much force and
179 vehemence as he could, verbally. He asserted, in addition to it, that men lived there only, and that it was not a proper place for women to come. I supplemented that by making some statement of that sort explanatory to Mrs. Gibson. But she persisted in asserting her legal right to be there as the wife of Mr. Gibson, the husband.

Q. Did Mr. Gibson use any physical force? A. I think not.

Q. Did he not take hold of Mrs. Gibson? A. I think not. He put his foot and hand against the doorway, and Mrs. Gibson attempted to push by him into the room.

Q. Didn't you see him take hold of her hand, and tear her glove? A. No, sir.

Q. Do you say that he did not take hold of her in any way? A. No; I do not assert positively that he did not.

Q. Do you say positively that you did not see it? A. I assert positively that I have no recollection of having seen it.

Q. Was not Mrs. Gibson crying, and appeared to be heart-broken at the time? A. She was crying very much, and continued crying for the half hour that I was with her after that.

Q. She appeared to be heart-broken? A. I do not know whether she was heart-broken; she appeared to be in great distress. I just promised her on the way that I would do everything in my power to effect a reconciliation and make an amicable arrangement by which she and Mr. Gibson could live together. But in that house it was an absolute impossibility, I told her, to come and live while
we lived there.

180 Q. Didn't she state in that conversation that she loved Mr. Gibson and wanted to live with him?

By Mr. JEFFORDS: I want to object to putting the testimony of Mrs. Gibson in this case in this way, because she cannot be a witness, and it is not permissible to do indirectly what it is forbidden to do directly.

The WITNESS: She asserted with a great deal of vehemence that she wanted to live with him, while she was in the doorway, and insisted on living with him then. As to the first part of the question, as to the loving, I do not recall that she said it at the door, and after that she and I were alone after we left the door.

By Mr. DOUGLASS:

Q. Did she say it to you then? A. I did not say so.

Q. What is the fact about it?

By Mr. JEFFORDS: We want to object to the conversations between the witness and Mrs. Gibson.

The WITNESS: She said it to me on repeated occasions; whether on that particular occasion I would not be entirely certain. She has told me that hundreds of times. I want to make that clearer. She told me this in the capacity of his attorney in attempting to effect a reconciliation, I having been his attorney in a suit for divorce brought by her, and also in a threatened suit for maintenance subsequently threatened to be brought by her against him, and which I, together with her attorney, adjusted.

Q. That suit to which you have several times referred was 180½ brought upon the charge of cruelty, was it not? A. The bill alleged cruelty; yes, sir.

Q. That was the ground upon which the action was based? A. Yes, sir; and there were a number of other allegations—desertion, abuse, swearing. The bill was dismissed by the court subsequently.

Q. At that conversation at the door to which we have several times referred did not Mr. Gibson call Hattie Wise and tell her, in substance, that if Mrs. Gibson came to that door again to call a policeman and have her put out? A. My recollection is that Hattie Wise was shown Mrs. Gibson and asked to remember her face, and that if she came again to the door to not admit her.

Q. Was she not told to call a policeman? A. I am not entirely certain as to that.

Q. What is your recollection? A. My recollection is that it was said that if she got inside the house and would not leave the house to call a policeman and ask him to take her out.

Q. These were the instructions that Mr. Gibson gave to Hattie Wise in reference to Mrs. Gibson; is that correct? A. Those were the words that I recollect of his having used there.

Q. Do you remember on one occasion at the dining table that Mr. Beck presented to Hattie Wise a silver pin that Mr. Gibson had brought from Niagara? A. Do you know what kind of a pin it was?

Q. It was a pin—I have asked you about a silver pin or a stick-pin. A. I am not entirely clear as to that. I have an impression that there was some such present made at the table while I 181 was there. I do not recollect the nature of the present.

Q. Didn't you have some conversation with Mr. Gibson and Mrs. Gibson, either one or the other, in reference to Mrs. Gibson returning there in the spring of '99? A. I had numerous conversations with Mr. Gibson, but not so many with Mrs. Gibson, as I recollect.

Q. Didn't Mrs. Gibson, in a conversation with you, entreat you to use your influence not to have her put on the third floor of that house? A. Yes, sir.

Q. Didn't she tell you that she was delicate and frail, and that she could not climb those stairs without injury to herself? A. Yes, sir.

Q. She wanted to go in the front room of the second floor with

Mr. Gibson? A. I don't think Mrs. Gibson at that time knew the arrangement of the rooms.

Q. Did she want to go in the front room with Mr. Gibson—the room Mr. Gibson was then occupying? A. I do not recollect, Mr. Douglass, that she specifically mentioned that. She wanted to be with Mr. Gibson, and the two rooms that they did occupy while she was there were the only two communicating rooms that we had. For that reason they were put on the third floor, away from the other people who lived in the house and away from the servant.

Q. She wrote you a letter on the subject, didn't she, Mr. O'Laughlin? A. I believe she did. I think I have the letter some place, but I do not recollect the contents of it. By way of explanation here, we had a great many talks on it, and I don't recollect the particular things, for a number of things——

182 Q. Could you produce that letter? A. I could not produce it today, and I fear it is not in my files. I have destroyed a great deal of my correspondence.

Q. You rather think that the letter has been destroyed, Mr. O'Laughlin? A. I believe so; I destroyed, when I left here, nearly all the old correspondence that I had about.

Q. Did she not express great affection for Mr. Gibson, and express a desire to come to live with him? A. She had for years expressed such affection for him to me.

Q. Was not there a lounge or two lounges moved into that house from 220 East Capitol street? A. There was one lounge on the first floor in the dining room; it was always in the dining-room while I was there. There was one box couch on the third floor, which was always there from the time it reached the house until I left. That was probably there four or five months.

Q. Where was the box couch kept? A. In Mr. Beck's room. He owned it, and it was part of his furniture.

Q. What kind of a one was that in the dining-room? A. It was a carpet-covered one.

Q. Green? A. It was covered with—I do not recollect the color; above that it had some lighter material of some sort.

Q. This box couch on the third floor, what kind of a couch was that? A. It was one that would open up to deposit clothes inside of it. It was the property of Mr. Beck.

Q. And how was it covered? A. I think it was the cover
183 that was on it when it came there, a lighter sort of material.

Q. Don't you remember that there were two couches brought by Mr. Gibson when he moved the furniture from the house on East Capitol street, in addition to the one that Mr. Beck owned on the third floor? A. That was not brought, of course, by Mr. Gibson.

Q. I meant to exclude that. A. There was—I don't know what you call it—it had sides—probably two persons—with balustrade sides or arms on each end of it, with a back to it—probably three feet and a half long by maybe a foot and a half wide, brought there for part of the parlor furniture. That always remained in the front parlor during the time that I lived there.

Q. Then those are the only items of furniture of that sort that you know of? A. Yes, sir.

Q. In reference to the two conversations that you had with Mrs. Gibson, one in my office and the other on the corner of 5th and F streets, those two conversations, Mr. O'Laughlin, were after the criminal proceedings had been instituted against Mr. Gibson, and after the filing of the suit for divorce? A. Yes, sir.

Q. Was it not the burden of your conversation in these interviews with Mrs. Gibson to induce her to drop the criminal case and let the divorce suit go through? A. I had the first one with counsel for Mrs. Gibson, yourself, and Mr. Wright, and I attempted to have the criminal proceedings nolleprossed, or no prosecution pressed, and that, in the event that that were done, the divorce suit to go ahead on its merits, and if the testimony of the complainant were sufficient

184 the natural result would follow as to the decree. I think I made no proposition and had no authority to make a proposition as to the result of the divorce suit, merely stating, as I recall it, as to the strength and nature of the defense that would be offered. That is my recollection of my conversation in the office of Mrs. Gibson's counsel.

Q. You remember, do you not, that the proposition of settlement was that there should be no defense to the suit for divorce, and that she should be paid a substantial sum for alimony, she to drop the criminal proceedings? A. I have stated that as to the criminal proceedings my endeavors were to have the prosecuting witness not press the criminal suit; as to the divorce suit, I made a number of propositions, none of which, of course, I had any authority to make, as I did not represent Mr. Gibson, being entirely in a friendly relation between both of them, and attempting an adjustment of it, and it may be that while I was there I made the suggestion of a proposition such as is outlined by counsel for Mrs. Gibson in the question above, but I distinctly recollect that every proposition that was suggested by me was very haughtily refused to be entertained by Mrs. Gibson, and the proposition for postponement alone, when it would be convenient for some of us who had to do with the suits, when that was made, it was spurned and ignored, though counsel advised that I be treated courteously in the matter, and that the postponement could not do any harm, but the prosecuting witness insisted that there should be a settlement as early as possible, and was very angry about it at the time, and I suggested, in addition to that, that I was entitled—and counsel for the complainant herein agreed with me—that I was entitled to a little better and more courtesy than I was receiving at the time from the prosecuting witness.

185 Q. You do not mean to say that Mrs. Gibson treated you discourteously? A. Not in the sense of impolitely. But after I had been there this time, and time and time and time again, and I believed that if I on a personal ground, as I put it at that time, requested a postponement that I was entitled to a postponement, and I did not get it, because Mrs. Gibson, the complainant,

refused to allow it to come about, and that I was then being treated discourteously by her, distinctly not meaning in the nature of impolitely.

Q. She was more in agony than she was in anger in that conversation? A. Truthfully to state, I should say that Mrs. Gibson was angry at the time.

Q. Did she not say on that occasion that the question of not resisting the divorce and the question of the amount of alimony should not, in her opinion, be considered by her in passing on what she should do in the criminal case?

By Mr. JEFFORDS: I want to note an objection to the conference between counsel and the complainant herein being made a part of the record in this case.

The WITNESS: I believe she did or counsel did for her.

By Mr. DOUGLASS:

Q. Didn't she say it herself repeatedly? A. I would not be entirely certain; she either did or counsel did for her; but I was quite nervous at the time, and I am not entirely clear as to all that occurred and the exact words in which different statements were made.

Q. Didn't you say on that occasion that the divorce should go through without difficulty or without opposition on the part
186 of the defendant? A. Ought to go through? I would not want to say "yes" to that sentence in just that language; it might convey some meaning that I would not intend. What I meant, it seems to me now, to convey to the minds of counsel for Mrs. Gibson was that some arrangement ought to be able to be made by which, as part of a settlement of the case, the defense put up would not be very strong. I think that is what about I wanted to convey to you, and I think that is about in the way that it was. I want to add that my endeavors and negotiations with counsel for Mrs. Gibson were largely for the purpose of securing a postponement, if possible, and also to have her not press the criminal suit, which was then pending, it covering about the same charges as were involved in the divorce suit.

Q. Did you not say that you thought she would have no trouble in getting a divorce from the testimony she had?

By Mr. JEFFORDS: I object to that because it is not shown that the witness knew what testimony she had.

The WITNESS: I did not know what testimony she had at the time and had no means of knowing. I believe now that I could not have said that or anything to mean the same.

By Mr. DOUGLASS:

Q. Mrs. Gibson finally agreed to think over the matter and let you hear from her later, did she not?

By Mr. JEFFORDS: I object to that unless it is made to appear at what conference——

By Mr. DOUGLASS: I withdraw the question.

Q. Were you on that occasion and in that conference in any sense attorney for Mr. Gibson?

187 By Mr. JEFFORDS: Which conference?

By Mr. DOUGLASS: The conference at the office.

The WITNESS: In the conference in the office of counsel for Mrs. Gibson I am uncertain as to the capacity in which I was acting. I was a friend of both parties; was there at the request of Mr. Gibson; was there because the criminal and equity suit—but criminal more particularly—would drag into court many persons who were my friends; was there with an earnest wish to settle the whole matter, if I could. My position, I should say, was that of an attorney for Mr. Gibson in a restricted sense, and I feel unable to explain just the position I occupied, for Mr. Jeffords was his attorney of record at that time.

Q. You had been requested by Mr. Gibson to go there, had you?

A. I had been informed of the occurrence and of Mr. Gibson's arrest, and had come here upon receiving the information—whether from Mr. Beck or Mr. Gibson I do not now recall—and, after reaching here, had a consultation with Mr. Jeffords, and as a result of our consultation, in our best judgment, it was advisable that I should go to the office of counsel for Mrs. Gibson and confer with her with a view to arranging for some amicable settlement—some disposition—of the criminal case, particularly.

Q. Is it not true that, as representing Mr. Gibson, in that restricted sense in which you have described, you were ready to make any reasonable concessions or arrangements as to the divorce suit

and as to the alimony if she would agree to drop the criminal
188 prosecution? A. That would have had to be at the time,

and it occurs to me that I so stated to counsel for Mrs. Gibson, subject, eventually, to the approval of Mr. Jeffords and Mr. Gibson.

Q. This conference in the office of the attorneys for Mrs. Gibson, then, was held as the result of previous conversations with Mr. Gibson and with his attorney? A. Well, largely upon the advice of Mr. Gibson's attorney.

Q. Had you not also talked with Mr. Gibson about it? A. I had. My impression now is that my own advice in the matter largely prevailed in deciding if I should not go to the office of counsel for Mrs. Gibson, as I had felt that I would be called upon to be a witness in either or both cases, and I, for personal reasons, would prefer not to appear as a witness.

Q. Did you not also say, in the course of that conference at my office, that as far as you knew Mrs. Gibson had always been everything that she should be as a wife? A. Not as broad as that my recollection of it is; I then believed, and I believe it now, that Mrs. Gibson is a virtuous woman, and believed at that time that she was a woman who was very ill. I do not think that I ever said that she was all that a wife should be.

Q. You did say, did you not, that she had put up with a great deal? A. Well, I am not entirely certain that I said it. I hardly think I would have said it, and hardly think that I did say it, for the reason there was nothing in the conversation there, while I was there, which would lead me to make any kindly remarks about Mrs.

189 Gibson, for, as I recall it, the start of it, there was nothing conciliatory toward me, and no evidence of kindly disposition on her part toward me, and no respect for any feeling that I may have had. Being personally dragged into it as a witness, I hardly think that I made the remark, and have no recollection of it.

Q. You don't say that you did not say it? A. No, sir.

The WITNESS: If there is no objection on the part of counsel for Mrs. Gibson, I desire to make the following statement: I am not entirely certain as to what I should do in the matter of replying to the foregoing questions of counsel for Mrs. Gibson. After consultation with counsel for Mrs. Gibson and counsel for Mr. Gibson, my own judgment was that I should reply to all the questions propounded, and also allow the questions previously propounded and of record to remain of record, believing myself, however, to be, in a restricted sense, acting, at the time of conference in the office of counsel for complainant herein, in the capacity of associate counsel with Mr. Jeffords and in the capacity of attorney for Mr. Gibson in the sense mentioned.

Redirect.

By Mr. JEFFORDS:

Q. What is the Christian name of Mr. McKay, whose likeness you say appears with Mr. Gibson on one of these exhibits? A. Martin.

Q. You have spoken in your cross-examination about the selection of the rooms on the third floor, or assignment of them, to Mrs. and Mr. Gibson; were you present when that matter was
190 discussed and determined? A. It was discussed a number of times, and I was present on the occasion—one occasion, at least—when it was determined that the third-floor rooms would be the most suitable for Mr. and Mrs. Gibson.

Q. Who determined that? A. There were present Mr. Beck, Mr. Gibson, and myself.

Q. How many of you took part in making this determination? A. It was talked between all of us three.

Q. And who made the decision? A. I guess it was largely decided by all of us, and I think there was a unanimous opinion as to the third floor being the best for that purpose.

Q. Calling your attention to the visit of Mrs. Gibson at this house in November, you have been asked about certain conversations; what, if anything, further was said at that time, and what explanations, if any, did you make to her about her coming there? A. I think I have gone into that pretty fully and explained. I told her that it was out of the question, on account of there being no

place for her, it being a place where men stayed entirely, and where it was an absolute rule that women should not come while we were there, by agreement between all of us.

Q. When was that agreement made, and who were the parties to it?

By Mr. DOUGLASS: I object to that as wholly immaterial and irrelevant.

The WITNESS: It was made before we moved there, and by Mr. Beck, Mr. Gibson, and myself.

191 Q. During the time that you were there, was it maintained?

A. Yes, sir. To my knowledge, no woman, other than Mrs. Gibson—no white woman—was ever in the house.

Q. You spoke, in your cross-examination, about guaranteeing the payment of a bill at Moses; do you remember the time of this guarantee, and the amount of the bill, and what the bill was for? A. I have no recollection of the amount of the bill. I am sure it was mentioned to me at the time, but I paid very little attention to it at that time. I went to Moses, saw a relative of mine who is in charge of matters of that sort, and explained to him Mr. Gibson's situation, and that he would pay as soon as he could; that he was under heavy expense at the time, and that if he did not pay I would see that it would be paid. As to the other part, I am not entirely certain as to the nature of the guarantee. As far as I can recall it, I did guarantee that it would be paid.

Q. About when was this? A. My recollection now is that it was made with regard to some furnishings and furniture that reached there some time early in 1899, for this reason: That the fixing up was done because Mrs. Gibson was to come there to live, so that it must have been somewhere early in 1899.

Q. Is this bill, then, for furniture that was bought to prepare for her return? A. The furniture and work done about the house preparing for her return.

Q. What was your brother's habit about being out and in evenings and nights about this place? A. My brother was a youngster, not then of age, and was employed at Moses' store. He only slept with me, very rarely eating any of his meals at the house; but, as
192 a rule, he was in the house and around about it every night, almost without exception from 7.30 until morning, when he got up before any of the rest of us, and went to work.

Q. Fix the time, as near as you can, that he was at this house. A. It may be that it was as late as four or five months after we moved there that he came; it was some time after we moved there.

Q. That would be some time after January, 1898? A. Yes, sir.

Q. And he remained there how long? A. He remained there until I left—left about the same time.

Q. In your cross-examination, you have been asked what you know of Mr. Gibson's movements during the day, and in that connection please state whether he had an office at any time with or near you; and, if so, when and for what time. A. I have already stated for a time he had an office with me at 602 F street in the

same room, and while Congress was not in session he spent nearly all of his office hours there with me.

Q. While Congress was in session he was not there so much?

A. He was there oftentimes in the evenings with me, then off and on throughout the day.

Q. When Mrs. Gibson came to the house that time you mentioned in November, 1898, did she make use of this language, or this language in substance: That now she had done her part, had expressed a willingness to return to her husband and had been refused?

By Mr. DOUGLASS: I object to the question as being manifestly leading.

By Mr. JEFFORDS: I think it is a leading question. I will withdraw the question and change it.

The WITNESS: I do not recollect her having used those words. I do not recollect having heard anything that conveyed that to my mind in just that way.

By Mr. JEFFORDS:

Q. What was the conduct and language and appearance of Mrs. Gibson at the time of that visit? A. I would say that she was excited—very much excited—and remained so until I left her.

Q. Calling your attention to the diagram offered in evidence by the complainant and the door on the north side of the library, which way did that door open? A. It opened into the library—swinging into room No. 2—the library.

Q. Hinged on east or west side of the doorway? A. On the west side of the doorway; and I might say just in this connection, yesterday, in going over this diagram, I remarked that the door opened may be three feet from the wall; that the hinges were located three feet from the wall; I think it was not quite that far, but less than that.

Q. Speaking further about these book shelves around the four sides of this library-room, were they book-cases or a part of the room itself or otherwise? A. They were shelves procured to be built there by us, and were nailed in as a part of the room. They were not detachable and were not removable, except that they might have been torn away and removed as lumber.

J. P. O'LAUGHLIN,
Per R. B. B.

2nd session continued.

194 HENRY K. BECK, a witness of lawful age called to testify by and on behalf of the defendant in the above-entitled cause, having been first duly sworn according to law, deposes and says as follows :

By Mr. JEFFORDS :

Q. State your name, age, residence, and occupation. A. Henry K. Beck ; age, 32 ; occupation, real-estate agent, No. 602 F street N. W.

Q. What profession, if any ? A. I am a lawyer by profession.

Q. A member of this bar ? A. Yes, sir.

Q. Do you know Charles A. Gibson and Annie Gibson, his wife, the parties to this divorce proceeding ? A. Yes, sir.

Q. How long have you known each ? A. A matter, probably, of six years.

Q. Did you at any time live in the house known as 1602 13th street northwest ? A. I did ; from about the first of February, 1898, until some time in the early part of May, 1899.

Q. Who rented that house ? A. The house was leased in my name.

Q. Who were the members of the household ? A. The household consisted of Mr. Gibson, Mr. J. P. O'Laughlin and myself, and a servant, a brother of Mr. O'Laughlin being there part of the time.

Q. The name of the servant, please. A. Hattie Wise.

Q. Was she there all this period ? A. During the entire period.

195 Q. What other servant or servants, if any ? A. No other, except occasionally a washerwoman or somebody was brought in to help take care of the house, but no other servant was permanently employed or regularly employed.

Q. How long had you known her ? A. For over a year prior to the time of going to 1602 13th street.

Q. Where and how had you known her ? A. She had been employed by Mr. O'Laughlin and myself as our washerwoman for quite a while previous to this, and prior to our going to the 13th Street house we lived on Vermont avenue, and the last six months of that time, with an interval of two or three months in the summer when she was away, she was employed by us in the capacity of a servant in that house.

Q. When did Mr. Gibson first come to live with you ? A. Mr. Gibson took his meals with us for a while on Vermont avenue, but never resided permanently with us until we took possession of the house on 13th street.

Q. About how long had Hattie Wise been in your employ before Mr. Gibson came there ? A. In the different capacities that I have mentioned, probably from a year to a year and a half.

Q. When you went to live at the 13th Street house, who employed Hattie Wise there ? A. Well, it is pretty hard to say who employed her ; she had been in the employ of Mr. O'Laughlin and myself

previous to that time, and by mutual consent her services were continued when we moved from Vermont avenue to 13th street.

Q. You mean to say she just went along with you gentlemen when you took up your residence on 13th street? A. I do.

Q. Who made the arrangements with Hattie Wise about her employment and her compensation? A. Well, I suppose I had more to do with it than any one else. I always paid her; paid all the bills belonging to the household, including her wages.

Q. You speak of having paid her wages always and of having paid all the household bills; what do you mean by that? Explain more fully. A. I mean by that that during the time that we lived in the 13th Street house all the marketing for the household was done by myself, all the bills connected with our common expense for living there were paid by me, and, in general, I may say that all the expenses that were common to us were paid by myself, and at the end of the month we would have a reckoning between us and divide the cost.

Q. You speak of doing the marketing—all of it—yourself and the buying; who determined what should be bought, what priced articles, and where they should be bought? A. That was a matter that was left largely to my own discretion.

Q. Who gave the directions to the girl about what disposition should be made of the marketing you bought and other things that were brought into the house by you for the family use? A. Well, that was left largely to her. The preparation of the food and the attention to the general household duties was considered her work.

Q. What consultation, if any, with the other members of the household about the provisions that should be bought and the style of living, the menu, etc.? A. Well, that was a matter that was frequently spoken of at breakfast in the morning before we went out, and individual preferences were made and, of course, considered.

Q. By whom considered? A. Well, the marketing was entrusted to me, and any consideration that might be given them was given to them by me.

Q. What, if anything, can you say of Hattie Wise having done the marketing or gone to market? A. Well, prior to the time that Mrs. Gibson became a member of the household, which I think was in the month of March, 1899, to my knowledge Hattie Wise never did any of the marketing, with the possible exception when some days I was out of town; of that I know nothing.

Q. When you went to this house to live, 1602 13th street, what was the order of your coming there? A. My recollection is that we all moved there on the same day.

Q. You from where? A. From Vermont avenue.

Q. Mr. O'Laughlin from where? A. From Vermont avenue.

Q. Mr. Gibson from where? A. From his former residence on Capitol Hill, East Capitol street.

Q. What about the assignment of bed-rooms occupied by each of

you gentlemen? A. Well, we, by general mutual consent and understanding, I think, Mr. Gibson took the first choice and I had the second, and Mr. O'Laughlin took what was left.

198 Q. And what room did Mr. Gibson take? A. Mr. Gibson took the front room on the second floor.

Q. Was that the best room in the house? A. It was one of the best rooms in the house.

Q. And you had the second choice of the rooms; what room did you take? A. I had the front room on the third floor.

Q. On the 13th Street side? A. Yes, sir.

Q. And that left for Mr. O'Laughlin what room? A. The rear room on the second floor.

Q. Did you each occupy those rooms as bed-rooms? A. Yes, sir.

Q. Where did Hattie Wise sleep? A. She had a bed-room on the third floor, in the rear of the room that I occupied.

Q. Now, at a later time what, if any, change was made in the apportionment of and occupancy of these bed-rooms in this house, 1602 13th street? A. Well, there was no change at all until the time when Mrs. Gibson came into the house to live.

Q. About the date, now? A. About March, 1899. And after talking the matter over between ourselves, Mr. O'Laughlin having left the city about that time, it was agreed that I should vacate the room that I had on the third floor, and we would move the servant into the room formerly occupied by Mr. O'Laughlin, so that Mrs. and Mr. Gibson could have the two rooms on the third floor, which were the only communicating rooms in the house.

Q. Was that done? A. Yes, sir; that was done.

199 Q. And which of those rooms did Mrs. Gibson occupy, and which did Mr. Gibson occupy? A. Mrs. Gibson occupied the room formerly occupied by myself, and Mr. Gibson the room formerly occupied by the servant, both on the third floor.

Q. What, if anything, was done by way of preparation for Mrs. Gibson's return to this house? A. Well, there was quite a great deal of preparation made; there was new furniture purchased, I think, and another dining suite was bought, and some new carpets or rugs for the floors that Mr. Gibson and Mrs. Gibson occupied, and other preparations of that sort which I do not just recollect at present.

Q. Do you recollect anything about painting or papering those rooms on the top floor? A. The rooms were papered and the wood-work was painted.

Q. Was this all done as a preparation for the return of Mrs. Gibson? A. Yes, sir.

Q. At whose expense was all this preparation made? A. I think it was at Mr. Gibson's expense.

Q. Now, preparatory to this change, what had been done with the furniture that you had in the third-story front room—13th Street front? A. That was moved into the room which Mr. Gibson vacated, which I afterwards occupied.

Q. You mean the second-story front room? A. Yes, sir.

Q. What was done with Mr. Gibson's bed-room furniture? A. That was taken upstairs into his rooms.

200 Q. What had been done with Mr. O'Laughlin's furniture in the back room on the second floor? A. I think at the time Mr. O'Laughlin left his furniture was shipped home.

Q. Who owned the furniture in these several rooms during the time you and Mr. O'Laughlin and Mr. Gibson occupied the house? A. The furniture was the individual property of each occupant.

Q. What furniture was put into the back room on the second floor when Mr. O'Laughlin moved his furniture out? A. The furniture that belonged to Mrs. Wise.

Q. Whom do you mean by Mrs. Wise? A. Hattie Wise, the servant.

Q. When Mrs. Gibson returned to her husband to live with him at this house, did you continue to live there also? A. Yes, sir.

Q. Until what time? A. Until the early part of May, probably the 5th of May.

Q. 1899? A. Yes, sir.

Q. And who were the members of the household during that period? A. Mr. and Mrs. Gibson and myself and the servant.

Q. The same servant? A. Yes, sir.

Q. Do you now recall the furniture that was in that house prior to the time Mrs. Gibson came? A. I think I recollect it fairly well.

201 Q. Was there any lounge or couch or sofa or bed in the library? A. No, sir; there never was.

Q. I hand you a diagram which has been put in evidence by the complainant for the purpose of representing the floor plan of the second floor of this house, 1602 13th street. What experience have you had, if any, with buildings and with floor plans and the like? A. I am very familiar with them, having occasion frequently to use them in connection with my business as a real-estate broker.

Q. Are you thoroughly familiar with the second-floor plan of that house? A. Yes, sir.

Q. Is that plan accurate? A. I should say that this plan was accurate. There may be a closet or two that is not designated on the plan, but aside from that it seems to be very accurate.

Q. What, if any, means of communication between the front room on the second floor and the next room to it on that floor? A. There is no immediate way of communication except through the hall.

Q. What use was made of that room on the second floor next to the front room? A. That was used as a library.

Q. Where was the doorway into it? A. The entrance to it was near the northwest corner of the room.

Q. I call your attention to the change of doorway on the north side of that room, and ask you what represents about the proper position of that doorway. A. Well, the blue-pencil mark represents the relative position of the doorway leading into the library.

202 Q. What other doorway leading into that room, if any? A. None that I know of.

Q. Are you able now to recall the furniture of that room? A. Yes, sir.

Q. What was it? A. There was a large table in the centre of the room, and, aside from the books and the book shelves, there was nothing in there, except chairs.

Q. Was there any lounge or bed or sofa or couch or settee in that library at any time while you were there? A. Not during the time that we occupied the house; no, sir.

Q. What sort of book-shelving was there? A. Well, it was ordinary pine boards that were put up for shelving. We had a carpenter come into the house after we moved there, and erected these shelves.

Q. Were they removable, like book-cases, or were they attached to the wall? A. They were attached.

Q. And what was the position of this shelving in the room? A. Well, it occupied nearly all the available wall space, with the exception—I may say all the available wall space, practically, in the room. There were some places where the windows were, where, of course, no shelving could be put in.

Q. About what height were these shelves? A. Probably
203 four feet or a little over that.

Q. About how wide were they? A. Wide enough to hold a good-sized book.

Q. What about the contents of these shelves? A. The shelves were nearly all filled up with books.

Q. And whose books were they? A. Some belonged to all of us.

Q. Whose ownership was greatest, if you are able to say, in the amount of books which were in this library?

By Mr. DOUGLASS: I object to that question as immaterial and irrelevant.

The WITNESS: I suppose the books belonging to myself were considerably the largest in number.

Q. About how large a table and about how high? A. It was an ordinary flat-top library desk, perhaps two feet and a half by four feet at the top and perhaps three feet high.

Q. Now, was there any lounge or couch or settee or sofa on that middle floor or second floor during the time that you lived there? A. After I occupied the front room there was a box couch in my room.

Q. Whose was it? A. It belonged to me.

Q. Where had it been before you moved it into that room? A. It had been in my room on the third floor.

Q. Prior to that time and while you gentlemen were occupying this house, and while Mr. O'Laughlin was there, was
204 there any lounge or couch or settee or sofa on the second floor of that house? A. I do not recollect any.

Q. How many pieces of that sort of furniture were there in the house while you three gentlemen lived there? A. There was a box couch in my room, third floor front; there was a lounge in the dining-room, on the first floor, and there was a settee in the parlor, on the first floor.

Q. I hand you a photograph which has been put in evidence by the complainant as a representation of the house you occupied and part of a house near by; look at the window marked 7 and say what room that window was in. A. That was in the library.

Q. Look at the window next east of window marked 7, on same floor, and say what room that window was in. A. That was in Mr. Gibson's bed-room, prior to the time that Mrs. Gibson came there.

Q. You mean the bed-room second floor front? A. Yes, sir.

Q. What room on the second floor of that house was next west to the library? A. The bath-room.

Q. And what next west of that? A. Well, a room that was commonly designated by us a den; it was a room that was used to store all kinds of odds and ends in.

Q. What women or ladies were at this house during the time it was occupied by you and before Mrs. Gibson returned to her husband? A. None that I ever saw, with the possible exception that the servant might have had, once or twice, some colored women come there to visit her, friends of hers.

205 Q. Did you have company frequently or otherwise? A. Frequently there were male friends of ours came there.

Q. Daytime or night-time as a rule? A. As a rule in the evening, very frequently on Sundays during the day.

Q. What sort of entertainment, if any, on the occasion of these visits? A. Well, very often there was pretty free and easy time around the house when they were there. I say often—I mean on occasions. If they wanted anything to drink they could have it; if they wanted to smoke in the bed-rooms or anywhere else in the house they were made to feel as welcome as we were ourselves.

Q. Any ladies or women present on these occasions? A. Never.

Q. Do you recall or know anything about complaint about the kind of entertainment that you have mentioned? A. I never heard of any until after we left the house and these divorce proceedings were instituted.

Q. The door into the library opened which way? A. It opened into the room.

Q. It was hinged on the west side or east side? A. On the west side, I think. Yes; I am positive it was on the west side.

Q. While you and these two gentlemen were living at the house what was your custom in warm weather about your dress at home after dinner? A. Well, when we were not going out in the evening it was our custom to put on negligee costume, light flannel clothes, something of that sort, in order to make ourselves comfortable.

206 Q. What about pajamas? A. I think all of us have a number of times put on our pajamas and gone around the house in that attire.

Adjournment until Friday, June 22nd, 1900, at 11 o'clock, at the same place.

FRIDAY, *June 22nd*, 1900, at 11 o'clock.

Direct examination of HENRY K. BECK continued.

By Mr. JEFFORDS:

Q. I hand you a tintype which has been introduced in evidence by the complainant; do you recognize the persons whose likenesses appear there? A. I do; one is Mr. Gibson and the other is Mr. McKay.

Q. The complainant has introduced testimony of a witness who swears that the person with Mr. Gibson is Mr. Beck; is it Mr. Beck? A. No, sir. I never was in Niagara Falls in my life.

Q. There has been a great deal of testimony, too, about mustaches in this case; what was the situation of the three gentlemen who did live there at the house? A. At that time all of us wore mustaches.

Q. One witness for the complainant has testified that there was a small bed in the library; what do you say about that? A. There never was any bed in the library.

Q. Of any kind? A. Of any kind.

Q. And that there were two or three pillows at the head of this bed in the library; what do you say about that? A. It could not have been possible, because there was no such thing in the library.

Q. One of the witnesses for the complainant testifies that
208 Mr. Gibson went across the street to the Yost grocery store and did the marketing himself. What about that? A. I could not answer that because I do not know. It was my custom to do the marketing. There might have been isolated cases when Mr. Gibson went over to this store to do the marketing; but up to the time that Mrs. Gibson came to the house practically all the marketing was done by myself.

Q. Now, after Mrs. Gibson came what was the arrangement about the marketing? A. After Mrs. Gibson came I did not do any of it at all.

Q. Who did it? A. Why, the marketing was done by the girl, I think, except that for staple groceries I usually sent to a place where I had been accustomed to buying them before; I attended to that myself; but for the vegetables and meats and things of that kind the girl did the marketing after Mrs. Gibson came there, I believe.

Q. There has been something said in this testimony about a pin that was handed to Hattie Wise at the breakfast table or at the table. What do you know or recall, if anything, about that? A. I know nothing about a pin. There was no pin, but my recollection is that there was a clover leaf that was enclosed in a glass case that Mr. Gibson brought back from Niagara Falls. He gave it to me, and in a joking way more than anything else I presented it to the girl; but there was no pin. My recollection is it was in the form of a watch charm, or something of that kind.

Q. Where did this take place? A. It took place in the house.

209 Q. Were you all present? A. I think that we were all present.

Q. What do you know, if anything, about Mr. Gibson's occupation or life before he came to this house? A. Well, Mr. Gibson at one time was in the navy, and for a number of years before he came to this house he had been employed at the Capitol in different capacities, as secretary to congressmen and clerk to a committee there.

Q. Do you know anything about the length of time he served in the navy? A. No, sir; not of my own knowledge. He was there for some time, though.

Q. When Mrs. Gibson returned there to this house to her husband, how long did she stay there? A. About six weeks. I am not exact on that, but I think about six weeks; from about the 15th of March until a few days prior to the time that Mr. Gibson was arrested. I do not recall the date of the month, but I think it was about the 25th. I am not positive about the date of the month.

Q. The 25th of what month? A. April.

Q. What do you recollect about her leaving there, if anything? A. She left on the Saturday before the arrest of Mr. Gibson occurred.

Q. Did she return at all? A. Yes; she came back on the following day, which was Sunday; came back Sunday evening with Mrs. Murphy to get some clothes, or something of that kind, from the house.

210 Q. What, if anything, did she say on that occasion? A. Well, she called—I was in the library at the time they came into the house—and she called me out into the hall and asked whether I was there, and said she came to get some things, and that she was going with Mrs. Murphy to spend the night.

Q. On Monday following that did she return? A. I did not see her, but I was told——

By Mr. DOUGLASS: Don't tell what was told to you.

The WITNESS: I found that she had been there and had taken out quite a number of things from the house.

By Mr. JEFFORDS:

Q. What, for example? A. Well, there was some articles of furniture; pictures, curtains, articles of that description—furnishings for the house.

Q. Whose were they? A. Some of them belonged to Mrs. Gibson herself. I believe she brought them there when she came, and the balance belonged to Mr. Gibson and myself.

Q. How? A. Well, we owned them in common.

Q. Well, did you see her on this Monday? A. I did not.

Q. What was the next move by Mrs. Gibson? A. Her next move that I know anything about was the arrest which followed on the day after.

211 Q. About what hour of the day? A. It was in the evening, between nine and ten o'clock, or thereabouts.

Q. Were you present when the arrest was made? A. I was.

Q. What was the next move of Mrs. Gibson? A. The serving of summons in the divorce proceedings.

Q. When? A. On the day following the arrest.

Q. About what hour of the day? A. We were at the dinner table when the summons was served—about six o'clock.

Cross-examination.

By Mr. DOUGLASS:

Q. Was the day that Mrs. Gibson left there the last time that you saw her in the house? A. The last time I saw her in the house was on the Sunday before Mr. Gibson was arrested.

Q. Didn't you hear Mr. Gibson on that occasion order Mrs. Gibson to leave the house? A. No, sir; I did not.

Q. Didn't you hear him, within a few days of the time that she left, order her to leave the house? A. No, sir.

Q. Did you ever hear him order her to leave the house? A. Not that I remember; no, sir.

Q. Mr. Beck, don't you remember one occasion, about two weeks or some time before she left there, Mrs. Gibson was sick up-
212 stairs in her bed-room, lying on the bed, and Mr. Gibson told Mrs. Gibson on that occasion, and when she was in that condition, that she must leave the house, that she could not stay there, or something to that effect? A. I never was in Mrs. Gibson's bed-room but once, at the time she lived there, and that was when she was suffering intense agony from her heart, when I was called in.

Q. Was Mr. Gibson present then? A. Yes, sir.

Q. Mr. Beck, on that occasion, what did Mr. Gibson say, if anything, about Mrs. Gibson remaining in that house? A. I do not recall the conversation on that particular occasion at all.

Q. You knew at that time that Mr. Gibson wanted her out of the house, didn't you, from what he told you? A. I knew that they did not get along at all together.

Q. Didn't you know from what Mr. Gibson had said frequently to you that he did not want her to stay there? A. Mr. Gibson had never so expressed himself so to me. The only conversation that we had bearing on the subject was once when the subject was introduced by myself. I said to him that if this state of affairs continued my life was unbearable in the house, and that there certainly would have to be some change. On that occasion Mr. Gibson said that he did not think that his wife intended to stay there very much longer.

Q. Do you mean to say that you never heard Mr. Gibson say on any occasion while Mrs. Gibson was there, in substance, that
213 he did not want her to stay there? A. If you can infer from my answer to the preceding question that Mr. Gibson did not want Mrs. Gibson to remain in the house, then I presume, in substance, that he said it; but if I were to answer the question categorically I should say that Mr. Gibson never said in words to me that he intended to insist that Mrs. Gibson should leave the house.

Q. Did he never say in words that he wanted her to go, whether

he said that he intended to insist upon her going or not? A. He perhaps expressed a preference that she should go on account of the existing conditions of affairs.

Q. About how often did you hear him express that preference? A. Very rarely, because it was a subject that I avoided both with Mr. and Mrs. Gibson. I refused to have anything to do with their domestic arrangements so far as they were themselves concerned.

Q. Didn't Mr. Gibson, during the time or the greater portion of the time that Mrs. Gibson was in that house, treat her very discourteously or very indifferently? A. There were frequent quarrels, but these quarrels never took place in my presence. I say never; I will qualify that by saying that I was very rarely where I could even overhear the conversation between them.

Q. At the dining table or breakfast table, was it not his custom not to speak to Mrs. Gibson at all? A. There were occasions when he did not speak to her, when there was no conversation between the two of them at all.

Q. Was not that the rule or course of conduct on his part?
214 A. It was during the latter part of the time that Mrs. Gibson was at the house.

Q. Was it not frequently the case that nobody would hand her anything to eat at the table except you, and through your courtesy? A. Yes; that was true, because I usually served the dinner—that is, I was at the head of the table.

Q. Haven't you seen this happen—that when Mr. Gibson would finish reading his newspaper in the morning or evening he would hand it to Hattie Wise, and Mrs. Gibson would have to ask you to loan your paper to her? A. Mrs. Gibson frequently asked me for my paper, but I do not recall Mr. Gibson giving his paper to Hattie Wise. He may have left it in the dining-room, or some place convenient where she could get it, but for the specific act of his handing it to her, I do not think I ever saw that.

Q. Don't you remember on one occasion when he asked Hattie where his newspaper was, and she told him it was upstairs in her room, on her bed? A. I do not remember that.

Q. You don't say that that did not occur. A. No, sir; I do not.

Q. Have you ever heard any conversation between Hattie Wise and Mr. Gibson about Mrs. Gibson?

By Mr. JEFFORDS: We object to this question as immaterial, irrelevant, and incompetent. This kind of testimony heretofore has not been all objected to, and this is objected to because it is repetition and continuance of immaterial and irrelevant matter.

Counsel will move to strike it out when it is on file in the court.

215 By Mr. DOUGLASS: Counsel for the complainant makes inquiry of counsel for the defendant as to whether or not he regards the conversations between Hattie Wise and the defendant as material upon the issues involved in this case.

By Mr. JEFFORDS: Wholly immaterial and noticeably incompetent and inadmissible, for the further reason that no time or place or circumstances are fixed.

The WITNESS: I have.

By Mr. DOUGLASS:

Q. What time, about? A. Prior to the time that Mrs. Gibson came to live in the house there were frequent conversations between Mr. Gibson—myself being present—and the servant, in which she was admonished that everything that could be done should be done for Mrs. Gibson's condition and personal welfare when she came there, and, so far as I was able, I took the pains to impress on her that Mrs. Gibson's coming into the house meant that her position was to be very much subordinated to what it had been when we were living there alone, for during the time that she was in the house before Mrs. Gibson came she was entirely in charge.

By Mr. DOUGLASS: Counsel for the complainant objects to so much of the witness's answer as to what he said to Mrs. Wise or the admonitions which he, witness, may have given to her, as not being responsive to the question in any way or in any sense, and will move to strike it out.

216 Q. Did you ever hear him speak of Mrs. Gibson in your
and Hattie Wise's presence, after she came there and while
she was under that roof, in a disrespectful manner?

By Mr. JEFFORDS: Same objection as above.

The WITNESS: I recollect one occasion, after some disagreement that they had had, he came down into the dining-room, where I was at the table, and, in the presence of myself and the servant, made some remark that his wife was a fool—perhaps coupled with an oath.

By Mr. DOUGLASS:

Q. Didn't he say "damned fool" or "damned liar" or expressions of that sort? A. I think he said damned fool; they were the words that he used.

Q. Were not the expressions used by Mr. Gibson and referred to in your last answer brought out by what Hattie Wise was saying or had just said about Mrs. Gibson?

By Mr. JEFFORDS: Objected to for the reason that it calls for the opinion of this witness as to the opinion of some other persons.

The WITNESS: My answer to that is that I do not remember the collateral circumstances distinctly enough to say whether that remark was called for by something that Hattie Wise may have said or by some disagreement between Mr. and Mrs. Gibson.

By Mr. DOUGLASS:

Q. Do you remember a conversation in the library a few days before Mrs. Gibson left the house—probably the last Saturday she was there—in which conversation Mr. Gibson and Hattie Wise took part? A. No, sir; I do not.

217 Q. Don't you remember there was something said in some such conversation in which Hattie Wise told him something about a detective? A. I was not present at that conversation. The reason I speak of it in that way is because I heard of it after I came home.

Q. So you were not present at that conversation? A. Not to the best of my recollection.

Q. When was it Hattie Wise moved into the second-floor back room? A. It was after Mr. O'Laughlin left the house and a few days—probably a few days—prior to Mrs. Gibson's coming there; at any rate it was before Mrs. Gibson came.

Q. She had formerly occupied a room on the third floor? A. Yes, sir.

Q. How was that room on the third floor furnished? A. Well, there was ordinary bed-room furniture in it, and there was some matting on the floor and a piece of a carpet; the entire floor was not covered with carpet.

Q. That suite of furniture was sent by Mr. Gibson to the auction shop and sold, was it not? A. I think it was.

Q. Were there not two couches sent at the same time to the auction shop and sold? A. Not that I know of.

Q. Do you remember any couches being sold—one or two? A. At what time?

Q. At the time this furniture on the third floor was sent to the auction shop and sold. A. I have no personal knowledge of that at all.

218 Q. What became of the green couch which was in that house? A. The green couch was in my room; it was my personal property, and when we broke up I sent that to the auction-room with the rest of the bed-room furniture.

Q. Yours was a corduroy couch? A. Yes, sir.

By Mr. JEFFORDS: Objection is made that the material out of which the couch, which was the personal property of the witness, was made is not material evidence in this case for any purpose.

By Mr. DOUGLASS:

Q. How many couches were brought from the house on East Capitol street when Gibson moved there? A. I recollect one that was in the dining-room, and there was a settee in the parlor.

Q. What sort of one was it in the dining-room? A. It was an ordinary reclining couch.

Q. What color? A. I do not remember the color. It was, as I have said before, an ordinary reclining couch, with—I do not know enough about it to go into a technical description.

Q. Was not there a lounge of some sort in that house that was green in color, with some flowers stamped on it, that was a box couch—I mean in addition to the one which you describe as your own? A. Not that I recall.

Q. You don't say that there was not such a couch there? A. I

cannot answer that question any more definitely than I have already.

Q. You mean by that that you don't remember whether
219 there was such a couch there or not? A. I don't remember;
but I think not.

Q. What was the size of the library? A. Well, I should say that the library was 11 feet by 14 feet, approximately.

Q. You said in your direct examination that there was no lounge, settee, or sofa in that library. Do you mean by that to say that you never saw one there, or that you know that at no time or for no length of time whatever was there ever a couch in that room while you gentlemen occupied the house? A. At no time during my occupancy of the house was a couch or lounge or anything of that sort a part of the furniture of the room.

Q. Was there a couch in Mr. Gibson's room? A. No, sir.

Q. You began occupying this house in March, 1898? A. Yes, sir; about the first of February, 1898.

Q. Were you away from the house on any occasions so much as a day at a time? A. Yes, sir.

Q. As much as a week at a time? A. On one or two occasions during our occupancy of the house.

Q. What was the longest period of time you were absent on a holiday vacation or business during the period of time that you lived in this house? A. I was absent in the summer of 1898—probably some time in August or toward the first of September—for a period of a week or ten days, and during the holiday season of that same year I was at my home in Ohio for a period of less than a week.

220 Q. Were you away from Washington at any other occasions for as much as a day or day and night other than the times that you have mentioned? A. I was away during the time of elections in 1898.

Q. How long? A. I think, to be exact, about twelve days.

Q. You went away in October and came back in November? —. I came back the day of the election, in November, and went away the latter part of October.

Q. Were you not away, Mr. Beck, for as much as a day or two at other times that year than you have mentioned? A. I was away occasionally for a day or so at a time several times.

Q. During the summer? A. Yes, sir; perhaps frequently over Sunday.

Q. These last occasions were in addition to the occasions you have specially mentioned? A. In addition to those; yes, sir.

Q. And I suppose, like everybody else, you would be out quite frequently during the evenings and would get back as late as 10, 11, or 12 o'clock, would you not? A. Yes, sir.

Q. Is it not true that you know nothing of the temporary change that might have been made in the condition of the furniture in the library or in any of the other rooms in the house during the periods or any of the periods of your absence that you have mentioned? A. I know nothing of any changes that were made.

Q. They might have been made and you would know nothing of them; is that not true? A. That is possible.

221 Q. Was Mr. O'Laughlin absent any at all during the year 1898? A. I think he was, during one period that I have mentioned around election time; in November we were all three of us—Mr. Gibson, Mr. O'Loughlin, and myself—away during that time.

Q. Mr. Gibson was not away the whole time you were? A. That I do not remember; I think I was away the longest.

Q. Was Mr. O'Laughlin not absent during the summer for several weeks at a time? A. I think he was.

Q. Was he not absent for several days at a time on several occasions during the year other than the two times that you have mentioned? A. I recollect once or twice when he and Mr. Gibson took short trips together, and it may have been possible that he was away at other times, but I have not charged my memory with them, and so cannot recollect the specific occurrences.

Q. Did you and Mr. O'Laughlin ever spend the night out of your house when you were in Washington with friends or on business?

A. I don't recall any occasion when I was absent from the house all night when I was in the city.

Q. You don't remember about Mr. O'Laughlin, I suppose? A. No; I cannot answer in regard to him.

Q. Something has been asked you by the counsel for the defendant as to the mustaches that you gentlemen all seem to have possessed; will you tell me what is your age, and what is Mr. O'Laughlin's age? A. My age is thirty-two my next birthday, and I
222 think Mr. O'Laughlin's age is about the same as mine, possibly he is a year older, and Mr. Gibson, I think, is above fifty. I don't know his exact age.

Q. How would you describe Mr. Gibson's personal appearance?

A. Mr. Gibson is a man of medium height, with grey hair and grey mustache; weighs about 180 pounds; compactly built.

Q. Has he anything besides a mustache now? A. I do not know whether he has a goatee now or not. No; he has not.

Q. Was it not his custom, until very recently, to wear a goatee in addition to a mustache? A. He did for a considerable time wear a goatee.

Q. He wore a goatee while he was living at 1602 13th street? A. He did for part of the time. I do not know whether he cut it off before we left there or not.

Q. He did for the bulk of the time, didn't he? A. I cannot fix in my mind the day when he cut it off, but I think it would be correct to say that for a major portion of the time that we lived in the house he wore one.

Q. When did Mr. O'Laughlin's brother get there? A. As near as I can remember, about the summer—perhaps the early part of the summer—of 1898.

Q. He was there only a very short time, was he not? A. He was there during the summer and fall and up to the time that Mr. O'Laughlin left in March.

Q. Just simply slept there at nights? A. Yes, sir; slept there at nights.

Q. You gentlemen saw very little of him? A. Saw quite a good deal of him at nights.

223 Q. Didn't Mr. Gibson conduct a pension business and keep his papers at the house—his pension files? A. His pension files were moved to the house about the first of January, 1899, but, so far as his transaction of any business is concerned, my evidence would only be hearsay. I remember he brought his papers there at that time—his files.

Q. Where were they kept, after they were moved to the house? A. They were kept in the third room on the second floor.

Q. That is the room to the west of the library? A. To the west of the library.

Q. What is the size of that room? A. Well, that room is larger than the library; probably about the same length, but extending in width across the entire width of the house.

Q. How many windows in it? A. One.

Q. Speaking about the size of the room, that would make the room about what size? A. Well, I should say about 16 by 12.

Q. How many desks were kept in that room? A. There was a large flat-top desk, and when Mr. Gibson and Mr. O'Laughlin moved there office from downtown there was some other office furniture; there was one roll-top desk that I recall.

Q. The roll-top desk was Mr. Gibson's? A. I think it was.

Q. How many chairs were in the room? A. That I could not say; probably two or three.

Q. Any carpet on the floor?

224 By Mr. JEFFORDS: Objected to——

The WITNESS: There was matting on the floor.

Mr. JEFFORDS continuing—for the reason that the question of carpet on this floor is immaterial, irrelevant for any purpose, and, further, for the reason that for the last half hour all the cross-examination has been upon matters about which the witness was not examined on direct examination.

By Mr. DOUGLAS:

Q. To whom did that matting belong?

By Mr. JEFFORDS: Same objection.

The WITNESS: Belonged, like the rest of the furniture, to the occupants of the house in common.

By Mr. DOUGLASS:

Q. You gentlemen bought it?

By Mr. JEFFORDS: Same objection.

The WITNESS: We had an arrangement with Mr. Gibson, when he came there, that we were to share equally in all the furniture that

came into the house, with the exception that each owned the furniture in his particular room, bed-room.

By Mr. DOUGLASS:

Q. You gentlemen did not buy that matting new, did you?

By Mr. JEFFORDS: Same objection.

The WITNESS: I think not.

225 By Mr. DOUGLASS:

Q. As a matter of fact, did not that matting come from the house at 220 East Capitol street?

By Mr. JEFFORDS: Same objection.

The WITNESS: Very likely that it did.

By Mr. DOUGLASS:

Q. Now, the room to the immediate west of that was a room that Hattie Wise occupied after Mr. O'Laughlin left; is that not correct?

A. Yes, sir.

Q. Hattie Wise's room opened on a little alleyway to the east side of the room; is that correct? A. Yes, sir.

Q. Is there not a door on the west side of the room, next to Hattie Wise's, that opened on this little alleyway and about opposite the door to Hattie Wise's room? A. Yes, sir.

Q. The furniture in Hattie Wise's room was new, and put in there new when she moved into that room, was it not? A. I do not recollect whether it was new at the time that she moved into that room or some time subsequent to that, but the furniture was new furniture.

Q. Was it not an enamel suite with brass tips? A. As near as I can recollect it, I never saw it but once or twice, when it was moved in and when the house was broken up.

Q. You have spoken in your testimony about that suite being Mrs. Wise's; do you know that of your own personal knowledge? A.

Only what she told me.

226 By Mr. DOUGLASS: I give notice that I shall move to strike out so much of the testimony of the witness in reference to the ownership of this furniture upon the ground that it is developed on the cross-examination that he has no personal knowledge of it, and that the previous statement made in reference thereto is hearsay and not admissible.

Q. Mr. Gibson was somewhat of an artist or a draughtsman, was he not? A. Yes, sir; he was talented in that way.

Q. What kind of drawings have you ever seen, or sketches, by him?

By Mr. JEFFORDS: Objected to as irrelevant and immaterial and apparently put in, so far as counsel for defendant can now see, for the purpose of making an extended record and compelling s hard-

ship upon the defendant to pay for the same. As this testimony is irrelevant and inadmissible for any purpose and the witness was not examined on direct examination upon this subject or anything like it, counsel for the defendant gives notice that he will move to strike it out and move, under the rule made for that purpose, to assess damages against the complainant for this apparent and continued effort to burden the record in this way.

The WITNESS: I have seen some marine sketches that he has made. I do not recall just the character of them.

By Mr. DOUGLASS:

Q. Haven't you seen sketches of horses and scenes of that general character?

By Mr. JEFFORDS: Same objection.

227 The WITNESS: I may have. I don't recall the general character of them now.

By Mr. DOUGLASS:

Q. Don't you know that there were in Hattie Wise's room, on the second floor—I refer to the room that was last occupied by her—sketches and drawings of the general character that I have described?

By Mr. JEFFORDS: Same objection.

The WITNESS: I do not.

By Mr. DOUGLASS:

Q. Do you say that they were not there? A. I say that I have not, to my recollection, seen any.

Q. I want you to tell me whether or not you say positively that those pictures or drawings or pictures or drawings of that general character were not hung about her room.

By Mr. JEFFORDS: Same objection.

The WITNESS: I say positively, as far as my knowledge goes.

By Mr. DOUGLASS:

Q. How far does your knowledge go; do you know the contents of that room—how it was furnished?

By Mr. JEFFORDS: Same objection.

The WITNESS: Yes.

By Mr. DOUGLASS:

Q. Do you then say that there were no pictures or drawings of the general character I have described in that room?

228 By Mr. JEFFORDS: Same objection, and the further objection that it does not appear when, where, or under what circumstances such pictures were made; and, further, it does not

appear that any such pictures were in that room or in the house or within the knowledge of the witness.

The WITNESS : Not that I know of.

By Mr. DOUGLASS :

Q. You cannot or will not make your answer more positive than you have stated ?

By Mr. JEFFORDS : Same objection.

The WITNESS : I cannot make my answer more positive than that.

By Mr. DOUGLASS :

Q. Do you remember a drawing or sketch representing a man on a horse, which was owned by Mr. Gibson and claimed by him to have been a piece of his work ?

By Mr. JEFFORDS : Same objection.

The WITNESS : I do not recall seeing any such picture.

By Mr. DOUGLASS :

Q. Do you remember seeing any of his drawings or sketches ?
A. Yes ; I remember seeing, as I stated in my former answer—I remember very distinctly—several marine pictures that he claimed to have drawn.

Q. Any pictures of any other character than marine ?

By Mr. JEFFORDS : Same objection.

The WITNESS : There may have been some landscapes.
229 My general recollection of pictures does not go any further than that.

By Mr. DOUGLASS :

Q. You saw these pictures in the house 1602 13th street ?

By Mr. JEFFORDS : Same objection.

The WITNESS : Yes, sir.

By Mr. DOUGLASS :

Q. He showed them to you there ? A. Yes, sir.

Q. Do you remember a black banner hung out of that house the day Mrs. Gibson left ?

By Mr. JEFFORDS : Same objection.

The WITNESS : I do not.

By Mr. DOUGLASS :

Q. Never saw it ?

By Mr. JEFFORDS : Same objection.

The WITNESS : I have no recollection of it.

By Mr. DOUGLASS :

Q. Do you remember Mrs. Gibson during the time she was in that house ever appealing to you for protection or in any way expressing fears of bodily harm from Mr. Gibson? A. Mrs. Gibson had one or two conversations with me, in which I very reluctantly joined, in which she wanted to tell me all her domestic unhappiness with her husband. My recollection is she did express some fear of him.

Q. Do you recollect on one of the occasions you refer to of advising Mrs. Gibson to lock her door, you stating to her that when
230 Mr. Gibson came in that night you would examine and see if he had any weapon? A. I think I have stated to Mrs. Gibson that if she felt afraid to lock her door; but I did that more to allay any feelings that she might have in the matter, because I was not apprehensive myself. So far as the weapon is concerned, I do not remember anything about that.

Q. You don't deny that you did say that about the weapon? A. I have no recollection of it. It might have occurred. If it occurred I think I should have remembered it.

Q. Didn't Mrs. Gibson make an appeal to you to get Hattie Wise out of the house? A. Yes, sir.

Q. Didn't Mr. Doermann, doctor of divinity, make a similar appeal to you? A. No, sir; he did not. He attempted to talk to me on one occasion about it after Mrs. Gibson had been with him and asked his intercession in the matter, and I refused to listen to the conversation.

Q. He came to you for that purpose, did he not? A. I do not know what his purpose was. He came to me to talk about the domestic difficulties that existed in the household, and I told him that I had heard so much of them and had been so annoyed and harassed by them that I did not care to have any conversation with him on the subject.

Q. When you say that you did the marketing, do you mean to say that you went in person to the market? A. I went in person about two or three times a week, and during the balance of the week it was my custom to send the office boy with a list of the things we needed.

231 Q. You stated in your direct examination that sometime Hattie Wise went? A. I have stated on rare occasions, if any. I do not now recall having sent her to the market. She might have gone to the store across the street. I am referring now to the period prior to Mrs. Gibson's coming to the house to live. She did do marketing after that time. I have so testified.

Q. Referring to the tintype about which you were interrogated on your direct examination, I now ask you which one of the pictures in the tintype is Mr. Gibson, if either? A. The one on the right of the picture, marked No. 1.

Redirect.

By Mr. JEFFORDS:

Q. You have given a general description of Mr. Gibson—his height, shape, size, and the like. Will you give a description of Mr. O'Laughlin? A. Well, Mr. O'Laughlin was perhaps a little taller than Mr. Gibson, not so stoutly built, dark hair, dark mustache; weight, probably 145 pounds or such a matter.

Q. Mr. Gibson weighed about how much? A. I should say about 180 pounds—175 to 180.

Q. Give a general description of your own general appearance. A. I am about five feet seven inches in height, dark, and at the time we lived in that house on 13th street I wore a mustache—a sandy mustache—rather dark; my weight varied from 150 to 155 pounds.

232 Q. When you rented the house for what period did you rent it? A. I leased it for one year.

Q. At the end of that year what about the further rent? A. At the time the lease expired Mr. O'Laughlin gave notice that he intended to remove from the city, and we were in some doubt as to whether we would keep the house or not; but when Mr. Gibson said Mrs. Gibson was coming back to live with him, it was agreed that we should keep the house, and it was further agreed that we should renew the lease in my own name, because there was some talk about raising the rent, and it was thought that, if a new person made the lease that course might be pursued; and I further say, in answer to that question, that at the same time there was some question in my own mind about my being able to remain in the house for another year.

Q. This was in the year 1899 when a renewal of the lease was made? A. Yes, sir.

Q. What arrangement or understanding or agreement was there, then, between you and Mr. Gibson from that time, if any? A. When I renewed the lease there was a verbal agreement between Mr. Gibson and myself that in case I should find it necessary to leave there that he would take the lease off my hands for the remainder of the period for which I had leased the house.

Q. You have on cross-examination said something about Mrs. Gibson asking for protection from her husband; what was the occasion of that, if you know, or was there any occasion for it? A. The immediate occasion, I presume, was some misunderstanding or quarrels that they had had during my absence.

233 Q. What was Mr. Gibson's conduct toward his wife, and his treatment of her? A. Well, there was a great deal of quarrelling in the house after Mrs. Gibson came there.

Q. Tell us what you can about Mr. Gibson's part. A. I am not able to testify in regard to the origin of the quarrels or the merit of their quarrels, because it was my practice to keep myself aloof from them, and invariably when I heard anything of the kind coming on I would go to my own room; either stay there or, as was most frequently, I got out of the house.

Q. You speak of going out of the house yourself; what for? A. Well, not on that account particularly, except, of course, it was unpleasant to be around anything of the kind; but I was frequently out in the evenings, making visits on friends of mine.

Q. Did any of the other members of the family leave on account of these quarrels? A. Oh, no. I think, on one occasion, Mr. Gibson went out of the house and stayed all night. I recall one case in which he did that.

Q. On what account? A. On account of disagreement that he had with his wife. I saw him when he left the house. He told me that he was going out to stay all night.

Q. You have spoken about a lack of conversation at the table; did Mr. Gibson refuse to answer his wife's questions or talk with her when she talked with him? A. My recollection is that there was no conversation one way or the other of any consequence.

Q. Do you mean to be understood as saying that neither of
234 them talked? A. Only to me.

Q. And do you want to be understood that, as to the merits or demerits of all these quarrels between them, you do not know how they were begun or who was to blame? A. I have no personal knowledge.

Q. During June of 1898 were you in town or out of town, if you recall it? A. I think I was in town. I am quite sure I was in town during June.

Q. Do you recall anything now that you heard Mrs. Gibson say to or about her husband during these conversations about which counsel for Mrs. Gibson asked you? A. Only in a general way to ask me to do what I could to make the conditions less difficult—that is, to make the conditions of the household less difficult to bear, because it had got to that pass when it was very hard even for a spectator.

Q. How soon after Mrs. Gibson came there did this quarreling begin? A. Probably, several weeks.

[On the margin:] Several days was really only 48 hours.

Recross.

By Mr. DOUGLASS:

Q. The first lease, Mr. Beck, was taken in your name as a matter of convenience for the three that really rented the house? A. Well, I attended to all the business of the household.

Q. I understand that; but the lease was for the benefit of the three? A. Yes, sir; we shared the expense.

235 Q. The servant's hire was paid by the three? A. Paid by me for the benefit of the three, who all contributed to the common fund to defray the expenses.

Q. While you gentlemen were in the house the servant was subject to the orders of any of the three? A. That is true.

Q. After Mrs. Gibson came there, did she have any authority over anybody or anything or anything to do with the house? A. It was

the understanding when Mrs. Gibson came there that she was to assume charge of the house and to attend to the marketing, etc., which I had heretofore done, but I believe, on account of the state of Mrs. Gibson's health at the time, that she expressed a disinclination to do it.

Q. Do you remember, on one occasion, Mrs. Gibson's complaining to you that she could not get anything to eat, and you said you would take her to the refrigerator to get something to eat? A. I remember no such circumstance as that.

Q. Do you remember a circumstance of her asking you if she could go to the refrigerator to get something? A. Yes; I remember her asking me if there would be any objection to her going to the refrigerator and helping herself in case she wanted anything to eat. That is my recollection of the matter.

Q. On the night that Mr. Gibson spent out, as you stated he went out on account of a quarrel between him and Mrs. Gibson, did he tell you that he went out for that reason? A. He told me that he was going out; that he could not stay upstairs; that he was going down to the hotel to sleep.

236 Q. And that was how you know that he went out? A. Yes, sir.

By Mr. DOUGLASS: Counsel for complainant will move the court to strike out all of the testimony of the witness on this immediate subject on the ground that it has been developed that his statements were based solely upon the information derived from Mr. Gibson.

Q. Didn't Mrs. Gibson demean herself as a lady in that house? A. Yes, sir.

HENRY K. BECK,
Per R. B. B., *Examiner*.

Adjourned until 1.20 p. m., same place, same day.

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SAME DATE—1.20 p. m.

HATTIE G. WISE, a witness of lawful age called to testify by and on behalf of the defendant in the above-entitled cause, having been first duly sworn according to law, deposes and says as follows:

By Mr. JEFFORDS:

Q. You may give your name and age, please? A. Hattie G. Wise; age, 27.

Q. Your present residence and your occupation? A. My present residence is 16 Shawmut avenue, Boston, Mass.

Q. What are you doing there? A. I am at present assisting my sister at home with laundry work.

Q. How long have you been in Boston this time? A. I have been there now a little over a month.

Q. From where did you go to Boston? A. From Philadelphia.

Q. How long had you been in Philadelphia, about? A. I had been there a little over a year.

Q. From where did you go to Philadelphia? A. From Washington.

Q. What house in Washington? A. I was stopping at 1117 11th street N. W., when I left Washington.

Q. How long had you been stopping there before you left the city? A. Why, several weeks, I guess—about two weeks.

Q. Before you went to this number on 11th street where had you been living? A. At 1602 13th street N. W.

Q. How long had you lived there? A. I lived there about fifteen months.

238 Q. Before living there where had you been? A. I had lived at 1116 Vermont avenue N. W.

Q. For about how long? A. For about four months.

Q. Are you married or single? A. I am a widow.

Q. For whom did you work on Vermont avenue? A. For Mr. Beck and Mr. O'Laughlin.

Q. Had you worked for them in any way before that time? A. Yes; I had known Mr. O'Laughlin for about six years. I previously worked for the Hon. A. C. Hopkins for three years.

Q. How long had you known Mr. Beck? A. I had known Mr. Beck when I worked at 1116 Vermont avenue for about four years.

Q. Who was Mr. Hopkins? A. He was a congressman from Lock Haven, Pa.

Q. When did you first know Mr. Charles A. Gibson? A. It was during the summer of 1897, when I worked at 1116 Vermont avenue; he used to eat his dinner there in the evenings.

Q. Do you know both Mr. and Mrs. Gibson, the parties to this divorce suit? A. I do.

Q. From Vermont avenue you went to 1602 13th street? A. Yes, sir.

Q. About what time? A. We went there in January, 1898.

Q. How did you happen to go to this 13th Street house? A. Well, I was working with them when I came back from Boston.
239 I left Mr. O'Laughlin and Mr. Beck and went to Boston and stayed two months. I came back, and then when I did come back they told me that they were going to move and Mr. Gibson was going to move with them.

Q. How did you happen to come back from Boston? A. They sent for me, and asked me if I would come back and keep house for them.

Q. How did they send? A. Mr. O'Laughlin wrote to me.

Q. When you went to the 13th Street house who hired you? A. Mr. Beck.

Q. While you were there who paid you? A. Mr. Beck.

Q. During your service there who was the head of the house? A. Mr. Beck.

Q. From whom did you take your orders? A. Mr. Beck.

Q. Who were the members of that household? A. Mr. Beck, Mr. Gibson, and Mr. O'Laughlin.

Q. Any one else? A. Well, his brother was there part of the time—Mr. O'Laughlin's brother.

Q. Now, who else was in the house during this time as to servants or to help about the housework? A. There was a woman named Ella Thompson, she helped to clean; there was another woman, whose name was Sophia Lias, she washed and assisted me on Tuesday with the ironing.

Q. Any other servants? A. No, sir; no others. There was another woman who worked there, but she only washed in this woman's place.

240 Q. Were you there all the time from moving there in January, 1898? A. Yes, sir.

Q. Until what time? A. Until Mr. Beck gave up the house; until we moved away.

Q. Who did the housework? A. I did.

Q. Were you familiar with the house throughout? A. Yes, sir; I was.

Q. Were you familiar with all the furniture and furnishings throughout? A. Yes, sir.

Q. What room was occupied by Mr. Gibson? A. When do you mean?

Q. When you first went there. A. He was in the first bed-room on the second floor.

Q. You mean the front room? A. Yes, sir.

Q. How long did he occupy that room as his bed-room? A. Until Mr. Beck told me there was going to be a different arrangement made in the house, because Mr. Gibson's wife was coming there to live.

Q. During the time you were at this house, before Mrs. Gibson came, Mr. Gibson occupied the front room on the second floor for his bed-room; who occupied the front room on the third floor? A. Mr. Beck.

Q. Who occupied the other bed-room on the third floor? A. I did.

Q. What other bed-room was there in the house? A. There was a bed-room over the kitchen on the second floor; it was occupied by Mr. O'Laughlin.

241 Q. When you went to this house who told you what room you would occupy? A. Mr. Beck.

Q. Did these three gentlemen occupy these three bed-rooms for bed-rooms during all the time that you were there before Mrs. Gibson came? A. Yes, sir.

Q. Were there any other bed-rooms in the house other than these four bed-rooms? A. No, sir.

Q. How many couches and lounges and sofas and cots and settees were there in the house during the time you were there before Mrs. Gibson came? A. There was a lounge downstairs in the dining-room, and there was a box couch in Mr. Beck's room, third floor front.

Q. What couches or lounges or cots or sofas were there on the second floor during the time you were at that house before Mrs. Gibson came? A. There were none.

Q. Who did the marketing? A. Mr. Beck.

Q. What marketing, if any, did you do before Mrs. Gibson came?

A. Not any.

Q. It has been testified in this case that you and Mr. Gibson went to market together at the Centre market; what do you say about that? A. I was never at the Centre market with Mr. Gibson in my life, or with any other person.

Q. How many times did you go to the Centre market yourself about marketing? A. That was only after Mrs. Gibson came
242 to the house, the latter part of the third week and the fourth week that she was there.

Q. Did you go down to Mr. Pickford's at any time, at the Centre market, before Mrs. Gibson came? A. I only went there once; they sent a wrong package to the house, and Mr. Beck asked me if I was going downtown the next morning if I would stop by and ask them to come after it. That is the only time I was in Pickford's.

Q. Who was with you this time, if you recall? A. I was alone.

Q. During the time you were at this house, before Mrs. Gibson came, what part of the time, if at all, were you away? A. Well, when there was only one gentleman in the house I went around in Kingman's place and visited a lady friend of mine; her name was Mrs. Gordon. I never slept in the house alone when there was only one gentleman in the house and the other two were away.

Q. What did you do if they were all away at any time? A. Well, there was another friend of mine; she slept in the house only once with me.

Q. Were the men all away very frequently, or otherwise? A. No, sir; they were not.

Q. Were two of them away, leaving one at the house, frequently, or otherwise? A. No, sir.

Q. In what capacity were you in the house? A. I was house-keeper.

Q. Were you away from the house during the period before Mrs. Gibson came for twenty-four hours at any time? A. No, sir.

243 Q. During all the time you were there, before Mrs. Gibson came, was there any lounge or cot or sofa or couch on the second floor? A. No, sir.

Q. Do you recollect the furniture and furnishings of the library? A. Yes, sir; I do.

Q. During the time you were there at this house, before Mrs. Gibson came, was there any lounge or couch or cot or sofa or bed in the library? A. No, sir.

Q. How do you know? A. Because I cleaned up in it every day, and I certainly know the furnishings of the room. There was only a desk table in the centre of the floor; there was a steamer chair in there, one large easy chair (rocker), a little small chair, the cuspidors, waste-basket, and the book shelves around the room, with the books on them.

Q. How did you happen to move from the back room on the third floor to the back room on the second floor, and when did you move? A. Well, I didn't move until Mr. O'Laughlin went to Lock Haven.

Q. Then where did you move? A. To the fourth room on the second floor, back, over the kitchen.

Q. What was done with the furniture in the room on the third floor, which you had occupied? A. It was sold.

Q. When you moved into the back room on the second floor, who furnished the room? A. I furnished it myself.

244 Q. With new furniture or with old? A. No, sir; with new. I bought——

Q. Where did you buy it? A. At Nee's, on 7th street; and I bought a little table that I gave ninety-eight cents for from Jackson Brothers, on 7th street near Massachusetts avenue. The bureau I bought came from Nee's, on 7th street.

Q. Who paid for this furniture? A. I paid for it myself.

Q. When you left this house what did you do with it? A. I took it away.

Q. Where is it now? A. It is in Boston.

Q. When Mrs. Gibson came there what room did she occupy? A. The front bed-room on the third floor.

Q. What room did Mr. Gibson occupy? A. The second bed-room on the third floor.

Q. What other communicating bed-rooms were there in the house? A. There were none.

Q. A witness for Mrs. Gibson has testified that he saw you and Mr. Gibson waltz around the room as though man and wife; what do you say about that? A. I say it is an infamous lie. There is not a particle of truth in it.

Q. The same witness says, further, "I saw him lay on top of this girl on the lounge, in between her legs, with nothing on but his drawers—it looked like an undershirt or a jacket—with one of his arms on her head and the other one on her bosom." A. I say that is a lie.

245 Q. On page 8 of testimony for Mrs. Gibson, one of her witnesses says, speaking of you and Mr. Gibson, "I saw this conduct a half dozen different times with this woman. I saw them making very freely with this colored girl—just the same as man and wife would do." A. I say that it is not so.

Q. On the same page the same witness says, "I saw this man on top of this woman on the lounge." A. I say, as before, that is a lie.

Q. On page 9 of Mrs. Gibson's testimony one of her witnesses says, "I saw him waltzing around the room with this woman, Hattie Wise; I saw him standing at the window with her first, and then I saw him pull down the curtain for a few minutes with his arm around her waist. On one occasion I saw him on top of her with only something like a shirt on—an undershirt." What do you say about that? A. I say that that is a lie.

Q. On the same page the same witness says you had a kind of a red shirt on. What do you say about that? A. I never had a red shirt the whole time I was in the house.

Q. Why do you say that? A. Because I was in morning; I never had anything but black and white.

Q. On the same page the same witness says you and Mr. Gibson were standing together inside the window with his arm around your waist. What about that? A. Mr. Gibson was never in close contact with me in his life; never any more so than any of the other gentlemen, and I know they were never.

Q. On page 31 of the testimony for Mrs. Gibson one of her witnesses says, "This girl was washing dishes and Mr. Gibson was putting them away for her." A. He never did put any dishes
246 away for me; I always put my own dishes away.

Q. The same witness on the same page says that Mr. Gibson then took the dust-pan and dusted around the stove, and then put his hands up your clothes; what about that? A. It is a lie.

Q. On page 32 of testimony for Mrs. Gibson one of her witnesses says he saw you and Mr. Gibson in your bed-room; that you had taken a tray out of the trunk and was sitting on the bed, and Mr. Gibson came into the room and walked between you and the window, and then pulled the shade down; what about that? A. It is not so. Mr. Gibson was never in my room but on two or three occasions; he came there twice to fix my clock, and then he came once to put a shelf behind the door, so that I could attach a curtain to it, as there was no closet in the room to hang my clothes.

Q. On page 35 of testimony for Mrs. Gibson one of her witnesses says, "There were three gentlemen going out to work; two of the three came out of the house first and stopped at the gate, and Mr. Gibson did not come out when they did, and I seen him come through the dining-room to this middle room, and Hattie Wise, she was in there dusting, and when he got just where she was she had a bouquet in her hands, and put it in his button-hole, in his coat, and he kissed her and went out." A. No, sir; it is not so.

Q. On page 66 of testimony for Mrs. Gibson one of her witnesses says, "I seen Gibson, in his undershirt and drawers, in this room; I seen Hattie Wise in the room; I seen Gibson go to her and put his arm around her, and, in a stooping position, apparently, from
247 where I was, he looked like he was feeling of her breast;" what do you say about that? A. No, sir; it is not so.

Q. On page 67 of testimony for Mrs. Gibson one of her witnesses says he was passing through the alley and heard the remark made, "Why don't you bring some of your lady friends around?" and the remark by the woman was, "All my lady friends are married, and their husbands might object." He said, "O, hell! that does not make any difference; let them say they are going out to stay with some sick friend all night." What do you say of that conversation? A. No such conversation ever passed between myself and any one in that house.

Q. On the same page the same witness says he "saw them in underclothes." What do you say about that? A. It is not so.

Q. On page 73 of testimony for Mrs. Gibson one of her witnesses says he saw a couch in the library, near the northwest corner. What about a couch being there or in the library at any time? A. There was never a couch in the library.

Q. On page 80 of testimony for Mrs. Gibson one of her witnesses says he saw you and Mr. Gibson waltzing around the room. What about that? A. It is not so. I never saw Mr. Gibson waltzing or dancing in my life.

Q. What about your relations to Mr. Gibson and his relations to you, and your conduct with him, at this house? A. Well, Mr. Gibson was a very domestic man, and he was jolly, and, in fact, they all used to say—Mr. Beck, Mr. O’Laughlin, and Mr. Gibson said that they would tease and joke with me, and said that if they did not do that I would get lonesome and leave them.

Q. The question here is whether you and Mr. Gibson, in June, 1898, and again in August, 1898, on a lounge or couch, or
248 bed or sofa or cot, in the library, in the northwest corner of the room, in the night-time, had sexual intercourse or connection? A. That is an infamous lie. Mr. Gibson was never close to me in his life, except just to pass by; but, as to saying anything insulting or intimating, he never did.

Q. I will ask you the general question if at any time or place or under any circumstances in any room or elsewhere in Washington or elsewhere you and Mr. Gibson had any kind of intimacy or ever had any sexual relations. A. No, sir.

Q. Coming now to the time Mrs. Gibson returned to her husband at this house, what preparations were made for her return? A. Mr. Gibson had the two front rooms and the dining-room scraped and papered.

Q. The two front rooms? A. The two bed-rooms they occupied, I meant to say.

Q. On what floor? A. On the third floor.

Q. Had them what? A. Scraped, and the dining-room scraped and papered; those three rooms.

Q. What other preparations were made for her return? A. New matting was put on the floor, and also the stairs with new carpet; new chairs for the dining-room and new linoleum for the dining-room floor.

Q. What was said about your part when she returned? A. About when Mrs. Gibson returned?

Q. Yes. A. Oh, why Mr. Beck and Mr. O’Laughlin told me to try to get along with her as best as I could, and also her
249 husband.

Q. Did you? A. Yes, sir; I did.

Q. What, if anything, was said to you about changing your duties, and what change, if any, was there? A. Well, Mr. Beck told me that Mrs. Gibson would do the marketing, and Mr. Gibson told me that she would attend to her own rooms—

By Mr. DOUGLASS: I object to that on the ground that it is hearsay.

The WITNESS: Mrs. Gibson preferred to attend to her own rooms.

By Mr. JEFFORDS:

Q. When she came did she do the marketing? A. No, sir; she did not.

Q. Why not? A. Because she said she did not care to.

Q. To whom did she say she did not care to do it? A. To me she said she did not care to do the marketing.

Q. Did she take care of her own room? A. No, sir; she only made the beds.

Q. Who did take care of them? A. I did the sweeping and emptied the slops.

Q. When Mrs. Gibson came, what, if anything, did she say to you about her return to her husband? A. She talked to me continually—all the time—about her husband and her affairs and about she knew that her husband did not love her, and I told her that I was tired of it, because it was a sing-song from morning to night, and please to talk to somebody else about it; that I had been
250 in the house alone all the time, and that it worried me for anybody to talk to me continually—all the time—which she did it.

Q. What part of her life and her troubles did she talk to you about? A. She talked to me about her dead daughter, how Mr. Gibson had treated her, and then she told me about the alimony case and said she would have won the case, but her lawyer was favorable to Mr. Gibson, and that she did not have a good lawyer, and then she told me that she came back this time for revenge, and she had him where she wanted him, and that with the assistance of some one on Capitol Hill she would fix him now for good.

Q. What else did she say to you about her domestic matters, if anything? A. Oh, well, then, she only talked all the time about her husband not loving her, and she knew he did not, and she would come into the kitchen and talk and talk and ask me if I wanted her to help me to wipe the dishes, just to commence to have something to say, and I refused her because I was tired of her. She would come downstairs, and the first thing in the morning, before she made her beds, she would commence, as soon as Mr. Gibson and Mr. Beck left the breakfast table, about her troubles.

Q. What, if anything, did she say to you about what she came back for?

By Mr. DOUGLASS: I object to that question as manifestly leading.

The WITNESS: She said she came back for revenge.

By Mr. JEFFORDS:

Q. What, if anything, did she say to you about detectives?

251 By Mr. DOUGLASS: I object to that question. I think the line of the examination of this witness is manifestly improper.

The WITNESS: There were two detectives who called there. One asked me if a club had ever been formed in the house.

By Mr. DOUGLASS: I object on the ground that it is manifestly inadmissible as being hearsay.

By Mr. JEFFORDS :

Q. Was Mrs. Gibson there at the time? A. Yes, sir. When the other one came she came in directly after him. He asked me for her, and I told him she was not in.

Q. Well, now, what did Mrs. Gibson say about this at any time?

By Mr. DOUGLASS: I object to that as irresistably leading the witness.

The WITNESS: I told them—Mr. Beck and Mr. Gibson—at the dining table that two detectives had called there.

Q. Was Mrs. Gibson there? A. She was present at the dinner table during the time.

Q. What else? A. And she—after they went—she sat at the dinner table. I was in the kitchen, and she asked me what did the detective look like; she had never seen one before.

Adjournment until 3 o'clock p. m. Saturday, June 23rd, same place.

252 Fourth session, Saturday, June 23rd, 1900, at same place, at 3 o'clock.

Continuation of direct examination of HATTIE G. WISE.

By Mr. JEFFORDS :

Q. What else, if anything, did she say to you about this matter?

A. During the second week she was in the house she asked me one morning if anything should occur between Mr. Gibson and herself—she did not say that it would occur—but if it did would I take her part. I told her "No; that I did not care to have anything to do with her affairs." She said, "I did not think you or Mr. Beck, either one, would, as you all have known Mr. Gibson longer than I have."

Q. What is that? A. That Mr. Beck and I had known Mr. Gibson longer than we had her.

Q. What else did she say in these conversations, if anything, you recall? A. Well, she asked me one morning why I did not drive Mr. Gibson out of the kitchen. A. I told her that I had not any cause to drive Mr. Gibson out of the kitchen or any right to do so.

Q. How often did she come to talk with you about these matters? A. Every morning.

Q. Where did she find you? A. Always in the kitchen.

Q. What did she say, if you recall, at any of these talks?

253 A. Well, she would come into the kitchen and talk about her husband, and say that he did not love her, and then she would say, "Hattie, you know it is so." I would not answer her, because I had caught on to her, thus putting words into my mouth and answering them herself.

Q. What had she to do in the kitchen? A. She was not doing anything; she only came there to talk to me about her husband.

Q. What was Mr. Gibson doing in the kitchen? A. Mr. Gibson asked me one morning would I take charge——

By Mr. WRIGHT: I object to any conversation between Mr. Gibson and this witness.

The witness continuing: —of his mail. I told him I would, and put it in a dining-card drawer in the dining-room. He would come every afternoon to the kitchen door, when he came home from office, and ask me had any mail been received for him today. I would tell him where to find it. She being upstairs, of course, heard him, and that is why she asked me why I did not drive him out of the kitchen.

Q. Now, where did she spend most of her time? A. Well, she would be in the house most of the morning and then she would go out, sometimes after breakfast, and then she would come back during the day, and sometimes stayed until nearly dinner time and just got in before dinner.

Q. Do you recollect anything else said to you in these conversations? A. She spoke to me one morning about her bowl and pitcher being on a chair. I asked her where was the washstand; didn't she have one?

Q. What did she say? A. She told me that she had one on
254 Capitol Hill, and even told me the color of it, but I have forgotten it, and said she was going to have it brought to the house later on.

Q. Did she? A. No, sir; she did not have it brought there, but she told me she was going to.

Q. What else, if anything, do you recollect her saying to you about this matter or about your connection with it or about her feelings towards you? A. Well, the Saturday before she left—and she left on Monday midday, about 12 o'clock—she was sitting at the dinner table eating her lunch.

Q. Who got it for her? A. She got it herself.

Q. Go on. A. I was in the kitchen ironing some collars I had left over from the wash. She said to me, "Hattie, I haven't anything in my heart against you; you have treated me right since I have been in this house, and if it had not been for you my life would have been miserable, as I know that my husband and Mr. Beck both are against me." She told Mr. Beck how kind I had been to her since she had been in the house, and also the woman that helped me to clean the house while she was there.

Q. What else did she say, if anything, about what she was there for or about her affairs? A. She told me, while she was in Baltimore, how kind Mr. Gibson had been to her; that he came to see her whenever she sent for him; that he paid \$30 a week for her while she was at the hospital, and when she was sick he was so kind and gentle to her; that she could not bear any one to touch
255 her but him. As far as I saw, Mr. Gibson was as kind to her as he could be while she was in the house, especially so when she had what she called heart spells.

Q. Tell us about those heart spells. A. She had those heart spells for the first two weeks she was in the house. The second two weeks she was in there she made so much fuss with Mr. Gibson that he refused to speak to her. I remember one night that he got up, one o'clock, out of bed and went downtown to sleep.

Q. What for?

By Mr. WRIGHT: I object to the witness testifying to what Mr. Gibson did or said, because the declarations are self-serving and inadmissible.

The WITNESS: Because she had been fussing with him all the afternoon. I heard them and could not sleep.

By Mr. JEFFORDS:

Q. How many times besides this did she drive him out of the house in the night in the same way?

By Mr. WRIGHT: Objected to as leading.

The WITNESS: Only once I remember.

By Mr. JEFFORDS:

Q. Now, where did Mrs. Gibson sleep? A. Well, when I went to empty her slops in the morning I could see her nightgown hanging beside Mr. Gibson's pajamas.

Q. In whose room? A. In Mr. Gibson's room. Both pillows were mussed.

Q. In whose room? A. In Mr. Gibson's room.

256 Q. In whose bed? A. In Mr. Gibson's bed. In her room her bed had not been touched during the night.

Q. How long did this keep up? A. For about two weeks, as near as I can remember.

Q. What was the condition just before Mrs. Gibson left the place? A. She slept in her own room.

Q. Do you remember when Mrs. Gibson went away? A. I do not remember the date.

Q. What day of the week was it? A. On a Monday morning. I was washing.

Q. Describe her moving performance. A. She arrived at home at about half past 11 o'clock with Mrs. Murphy, her cousin. About 12 o'clock the wagon drove up to the door. Then I knew she was going to move. She had the men go upstairs in her room, take everything out, and, when they were through, she brought them down in the parlor, had them take the best pictures off the wall, which she had not brought there with her things when she moved to the house. She took also several vases off of the mantle-piece, went into the pantry and took some of the china away that she did not bring there. I had a little china saucer in my room, on the bureau, with pins in it. She went in my room, dumped the pins on the bureau, and took the saucer.

Q. Whose saucer was it? A. It belonged to the dishes in the house. It was not used. There were several of them.

Q. What else, if you recall, that she took? A. I do not remember anything else.

Q. Do you remember anything about curtains, hangings, portier-s, or bric-a-brac?

257 By Mr. WRIGHT: I object to that on the ground that it is leading.

The WITNESS: I do; she had the men force the closet door open that was locked, with the curtains in it, and take away all the lace curtains belonging to the house.

By Mr. JEFFORDS:

Q. What else? A. I told you about her taking the vases off; she took the vases off the mantle; she took a piece here and there, just to disfigure it, just where she wanted it.

By Mr. WRIGHT: I object to that part of the witness' answer on the ground that it is voluntary and not responsive, and will move to strike it from the record.

By Mr. JEFFORDS:

Q. I asked you something about portier-s or hangings; what, if anything, can you say about that? A. She took all the curtains, I said, that belonged to the house.

Q. What notice, or sign, or preparation, or indication had she given of her purpose to leave Mr. Gibson in this way? A. None whatever that I know of.

Q. What change of conduct, or action, or speech, or line of life on her part preparatory to leaving, if any? A. For the last two weeks she was in the house Mr. Gibson and her had nothing to say to one another, and no one did not know that she was going to move.

Q. How many times did her detectives come there? A. There were two of them, and each one of them came once.

258 Q. Did you know their names? A. No, sir. One was a little man and the other one was a stout man.

Q. Would you know them if you saw them? A. I might remember the face of the stout man, because I was in the act of going to market on a Saturday morning when he called, and he was the one that asked me had a club been ever formed at 1602 13th street.

By Mr. WRIGHT: I object to any conversation between this witness and the detectives as being hearsay and immaterial and incompetent.

By Mr. JEFFORDS:

Q. Who was present, if any one, besides you and Mrs. Gibson at the time she came to you and made all this talk? A. No one but ourselves.

Q. How many loads did she take away from the house? A. I think it was only one.

Q. What pictures, if any, did you have in your bed-room on the

second floor? A. I had two dogs—faces of two dogs—that were my own pictures. Then there were some pencil sketchings that had been lying around on the floor—down in the pantry on the floor—for two or three months. 'No one bothered about them, and I put them in my room without any one's consent.

Q. Where did you say these pictures had been? A. Lying on the floor downstairs in the pantry.

Q. How many of these were there, if you recollect? A. One was a little scenery and the other one was, I think, a man on a horse.

259 Q. Do you know whose pictures these were? A. No, sir; they belonged to the house.

Q. Do you know who brought them there? A. They were there when we moved there.

Q. Where did you first see them? A. When I first saw them they were lying on the floor.

Q. Where? A. In the pantry.

Q. When you moved away from this room what became of the pictures, if you know? A. I do not know. I only took the pictures of the two dogs that belonged to me.

Q. Where did you last see those others? A. I left them there.

Q. Where? A. At the house when I moved away—moved my things away.

Q. Mr. Edward O'Loughlin was at the house about how long, can you tell? A. I do not remember the time, but I know he was there a long while.

Q. What was his habit about spending his evenings from dinner time to bedtime? A. He stayed in the house all the time; except when the gentlemen were away, he went on Capitol Hill and stayed at his cousins'.

Q. What was Mr. Gibson's habit about spending his time from dinner time to bedtime? A. When Congress was in session he was gone nearly every night; when it was not in session he was home more frequently.

Q. What about your having company, if you had any? A. Yes, sir; I had company there—male and female.

260 Q. When? A. Only when the gentlemen were not there.

Q. About what number of persons did you sometimes have there at the same time? A. Sometimes about two or three. Mr. Beck gave me permission to have company there when I wanted to.

Q. And when would you have this company? A. Well, sometimes at night and sometimes through the day.

Q. When you had company there—when the gentlemen were away—what part of the house did you use? A. The lower part.

Q. Do you play piano? A. Yes, sir.

Q. What about using the piano when you had your parties there or your company? A. Well, I had a great deal of music myself and I practised very often, and when they were there I always played on the piano.

Q. Any singing? A. Yes, sir; at times.

Q. Any dancing or hop-ing around the rooms? A. Well, sometimes; never boisterous, though.

Q. When Mrs. Gibson came to you so frequently with her troubles what, if anything, did you do about it? A. Well, I spoke to Mr. Gibson about it and also to Mr. Beck.

Q. And what then? A. Well, Mr. Gibson he said, "O, go on."

By Mr. WRIGHT: I object to what Mr. Gibson said.

The WITNESS: And Mr. Beck told me——

261 By Mr. WRIGHT: I object to any conversation that passed between Mr. Beck and this witness on the ground that it is immaterial and incompetent in this case and on the ground that it is hearsay.

The WITNESS: —not to pay any attention to her; if she said anything to me to come to him.

By Mr. JEFFORDS:

Q. What did Mrs. Gibson say she was there for, if she told you? A. She told me she came there for revenge.

Q. What, if anything, did she say about her plans and purposes as to her husband or her intentions? A. Well, she said that she would have won the alimony case, but she did not have a good lawyer, as he was favorable to Mr. Gibson, but this time she had him where she wanted him, and that with the assistance of some one on Capitol Hill she would fix him for good.

Q. How many times did she tell you this, in substance, or talk to you in that way? A. Only once, but it was during the second week that she was in the house, as I had no communication with her whatever the last two weeks she was there.

Q. At the time she told you what her plan was against her husband, was she at the time sleeping with him every night? A. Yes, sir; she was. She slept in bed with him for the first two weeks.

Q. And it was during this time that she told you what she was going to do with him? A. Yes, sir; she did.

262 Q. I want to know about Mr. Gibson having parties when the other gentlemen were away. A. I do not remember of his having anything when the other gentlemen were away.

Q. Did he ever have any? A. No, sir.

By Mr. JEFFORDS: I will put in evidence now certified copies of the following papers: An affidavit of complaint, No. 42630, made by Annie H. Gibson, and the warrant for arrest on it, No. 42630, and the information in the police court, No. 105,402, United States v. Hattie G. Wise.

By Mr. WRIGHT: I object to these three papers on the ground that they are immaterial in this case and incompetent.

By Mr. JEFFORDS: I also offer in evidence certified copy of affidavit of complaint, No. 42629; a certified copy of warrant for arrest, No. 42629; a certified copy of indictment, No. 22104; the affidavit of complaint certified by the clerk of the police court, and the warrant of arrest and the indictment certified by the clerk of the supreme court of the District of Columbia.

Adjournment until Tuesday, June 26th, 1900, at 11 o'clock a. m., at the same place.

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Fifth session, same place.

TUESDAY, *June 26th*, 1900—3 o'clock p. m.

Cross-examination of HATTIE G. WISE.

By Mr. DOUGLASS :

Q. What was the name of your husband? A. Luther M. Wise.

Q. Where did he die? A. In Washington.

Q. When? A. 13th day of June, 1897.

Q. Have you any children? A. No, sir.

Q. You say that you first knew Mr. O'Laughlin and Mr. Beck on Vermont avenue? A. I worked for Mr. O'Laughlin and Mr. Beck at 1116 Vermont avenue northwest, one week after my husband was buried.

Q. How long did you work for them then? A. Four months, and then I went to Boston and stayed two months, when Mr. O'Laughlin wrote word for me to come back; then I came back.

Q. When was that, now? A. That was the 11th of December, 1897.

Q. What work did you do for Mr. O'Laughlin and Mr. Beck? A. Housekeeper.

Q. On Vermont avenue? A. Yes, sir.

Q. And then the next place you went was to keep house for Mr. Beck, Mr. O'Laughlin, and Mr. Gibson on 13th street?

264 A. 1602 13th street northwest.

Q. You say you were employed by Mr. Beck? A. I was.

Q. By whom were you paid? A. Mr. Beck.

Q. As a matter of fact, were you not employed to work for all three of them? A. I was employed to work for all three, but Mr. Beck paid me my wages, and Mr. Beck was the head of the household.

Q. From whom did you get your orders? A. Mr. Beck.

Q. Were you not subject to Mr. O'Laughlin's and Mr. Gibson's orders, too? A. Not necessarily so.

Q. Were you so at all? A. No, sir; I received my orders from Mr. Beck; Mr. Gibson nor Mr. O'Laughlin, either, gave me any orders.

Q. They had no right to direct you to do anything in connection with the house, or any portion of the house? A. They did not do it.

Q. Under your arrangement there as housekeeper, had they any right to do it? A. If they wanted to, but they did not take the right.

Q. But you were, as a matter of fact, under agreement to obey the orders of any one of the three? A. I was.

Q. Were you in that house under contract for employment as a house servant, or cook, or as a housekeeper? A. As a housekeeper.

Q. Did you have any control of the house as a housekeeper?

265 A. I attended to everything in the house. We had a woman to wash and assist me with the ironing on Mondays, but I

attended to all the rooms, and cooked the meals, and had charge of the house through.

Q. What wages were you paid? A. \$15 per month. Mr. Beck paid me \$7.50 every two weeks for my services.

Q. That was to include your room and your meals besides? A. That was; I stayed in the house.

Q. When you were to get \$15 per month this was the arrangement when you first went there, was it not? A. Yes, sir; it was.

Q. You were given a room on the third floor? A. I was.

Q. A furnished room? A. Yes, sir.

Q. Was that the agreement that you should have this furnished room? A. When I went to the house to live; yes, sir.

Q. That you should have \$15 per month, your meals, and a furnished room? A. Yes, sir.

Q. What kind of a suit of furniture did you have on the third floor? A. When we first moved there it was an old, dark suit of furniture—walnut, I believe.

Q. That was the suite you had until you moved on the second floor? A. Yes, sir; over the kitchen.

Q. Was the room on the third floor carpeted? A. No, sir; there was matting on the floor.

266 Q. Any rugs? A. No, sir; not any at all.

Q. Did the suit have a washstand to it? Q. The dark suit, you mean, on the third floor?

A. The one you had on the third floor. A. I think there was; I don't remember what was connected with the suite. I know that there was a bureau and bed, and I think there was a washstand.

Q. Don't you know? A. Yes, sir; there was; I remember now that there was.

Q. You went there in March, or February, 1898? A. We went to that house, to 1602 13th street, to live in January, 1898.

Q. Are you certain it was January? A. I said it was January.

Q. I asked you if you were certain it was January. A. I know it was, because I came from Boston on the 11th of December, and we moved there the next month, which was January.

Q. Two rooms on the third floor were communicating? A. Yes, sir; they were.

Q. To whom did the suit of furniture belong that was in the third floor back, the room that you occupied? A. I don't know; I did not ask any questions about it. I only took possession of the room as it was given to me.

Q. Were you there when the others moved there, or did you all go there together? A. I think, or in fact I know, Mr. Gibson moved there before we did, and we moved afterwards.

Q. Were you there when the furniture was moved into the house from the house Mr. Gibson had formerly occupied on East

267 Capitol street? A. No, sir; I was not.

Q. As a matter of fact, were there not three lounges or settees or sofas in that house? A. There was a box couch in Mr. Beck's room, on the third floor front, and then there was a lounge

in the dining-room downstairs on the first floor. There was no box couch or settee or anything else of that kind anywhere in that house.

Q. What was the color of the sofa or lounge in the dining-room?

A. I do not know; I have forgotten the color of it, as it was an old lounge.

Q. What material was it? A. I don't know; I forget whether it was plush or carpet or what.

Q. Do you know whether it was leather? A. No, sir; it was not leather.

Q. Don't you know the color of it? A. I don't remember. I remember it was dark in color.

Q. Do you remember the color of the couch in Mr. Beck's room?

A. Yes, sir; I do. It looked as if it might have been a bluish drab color, or something of that kind, with a flower in it, and it was corduroy. Mr. Beck bought it new with his furniture.

Q. How many windows in the room you last occupied? I refer to the back room on the second floor. A. I think there were four windows.

Q. How was that room furnished while you occupied it? A. On the second floor?

Q. Yes. A. That is the room that I furnished myself with
268 my own furniture; an enamel bed—or an iron bed, rather—a bureau, a white bureau, a little table, and two pictures on the wall that belonged to myself. There was also matting on the floor, two old faded rugs, and two chairs that belonged to the house; also two pictures; that was in the room.

Q. Was there a washstand in the room? A. No, sir; I never had one at all; I never bought a washstand.

Q. Didn't you use the bath-room? A. I certainly did.

Q. Did you use the bath-room for bathing purposes generally? A. Yes, sir; I did.

Q. The same bath-room that the others occupied—Mr. Gibson and Mr. O'Laughlin? A. Yes, sir; as there was only one in the house.

Q. Where did you keep your tooth-brush? A. In a little china mug in my room, on the mantle.

Q. Didn't keep it with the others? A. I never, from the first time I entered 1602—I never kept my tooth-brush in the bath-room.

Q. Did you furnish the matting that was on the floor in that room? A. I said previously it belonged to the house.

Q. All that you furnished in that room, then, was the bed and the bureau and one picture; is that not correct? A. I did not say that. I said a bed, bureau, two pictures, and a little table.

Q. The rugs on the floor did not belong to you, either, I think? A. They did not; they belonged to the house, and they were old faded ones at that.

269 Q. The chairs in the room did not belong to you? A. No, sir; they belonged to the house.

Q. Did you have any curtains to the windows? A. Only shades.

Q. How many pictures in all on the walls of that room? A. Only four.

Q. Four? A. Yes, sir.

Q. Describe the two that belonged to you and the two that did not belong to you. A. The two that belonged to me were two dogs' heads. The two that did not belong to me were one pencil etching, was a man on a horse, and a little scenery.

Q. How large was the picture of the man on the horse? A. I don't know about the size of it.

Q. About one and a half feet square? A. It might be one and a half feet in length and a little over a foot in width, as near as I can estimate it.

Q. Whose work was it? A. I did not pay any attention to whose work it was. When we moved into the house the pictures were lying on the floor in the pantry, on the first floor. They lay there for two months or more; no one put them in their rooms. I washed them up and put them in my room when I was on the third floor, and when I moved down on the second floor I brought them down there and placed them on the wall.

Q. Did you ever ask to whom they belonged? A. No, sir; I did not. They were all dirty and I washed them off and placed them in my room on the walls.

270 Q. They were framed? A. Yes, sir; they were.

Q. You mean to say you left them lying on the floor in the pantry for months without taking them up or putting them away?

A. They were lying, sitting beside the washboarding, under a shelf along the floor, and they were never used. No one gave me permission to take them; I took them myself.

Q. You had them, then, before you moved down on the second floor? A. I certainly did; on the third floor, back room.

Q. Did you have them the entire time you were on the third floor? A. I did.

Q. Let me ask you this question: Did not those two pictures have in one corner of the picture the initials C. A. G.? A. I think they did. I never paid any attention to them.

Q. What are Mr. Gibson's initials? A. C. A. G. is what I have always known him by.

Q. You mean to say, then, that you did not know that those two pictures were the work of Mr. Gibson? A. I did not say that I did not know they were work of his; I did not know it was his work or anybody else's, because I did not know whether Mr. Gibson could draw or not. I only placed them in my room on the walls; I had no permission from any one.

Q. You did know, however, that those pictures had his initials, and you never thought it worth while to ask him if he had done that work or if those pictures belonged to him? A. I never gave it a thought.

271 Q. Never gave it a thought? A. No, sir; I did not.

Q. Were they not worth a thought? A. I don't know whether they were or not. They were just lying around on the floor, and I—lying beside the washboarding, and I picked them up and put them on my walls. No one paid any attention to them

after I had them up ; I washed the dirt off of them and put them in my room.

Q. What did you pay for the suit of furniture in the second-floor back room ? A. It was not a suit of furniture ; the bed did not belong to the bureau. I gave \$4.50 for the bedstead and \$25 for the bureau and 98 cents for a table. My pictures I sent to Boston from my sisters, as, when my husband died, I sent 1,500 pounds of furniture to Boston, and she had the pictures with the furniture that belonged to me.

Q. You paid \$4.50 for the bedstead ? A. Yes, sir.

Q. From whom did you buy it ? A. I got the bed and the bureau from P. J. Nee.

Q. Do you know when you bought it ? A. I do not remember when I bought it ; I don't know the date.

Q. Do you remember the month ? A. No, sir ; I don't remember the month ; it has been over a year ago, now.

Q. Do you remember the year ? A. It was in 1898 ; it was just before Mrs. Gibson came to the house, when Mr. Gibson told me I would have to take the room over the kitchen, as Mrs. Gibson was coming to the house to live, and he wanted those two rooms upstairs.

272 Q. I am simply asking you the price of the furniture. Do you recollect the name of the party—the salesman—from whom you bought that bedstead ? A. Of course I don't, because I never saw the man before.

Q. Did you buy the bureau there ? A. Yes, sir ; I did.

Q. Same time ? A. Yes, sir ; same day.

Q. You say you bought the bureau and the bedstead a short time before Mrs. Gibson moved to the house ; she came there in March, 1899, did she not ? A. She came there in March, 1898. No ; she did come there in March, 1899, because this is 1900 ; I was not thinking.

Q. Did you buy it within two weeks of the time that she came ? A. I don't remember how long it was.

Q. A month ? A. I can't say, because I don't remember.

Q. Two months ? A. No, sir ; it was not that long.

Q. Well, what about the mattress on the bed ? A. Well, I bought that also.

Q. Same place ? A. Yes, sir.

Q. Same time ? A. Yes, sir.

Q. What price ? A. I do not know ; I think the mattress was four dollars ; I know it was not more than that.

Q. Mrs. Gibson came there about March, 1899 ? A. Yes, sir.

273 Q. Do you remember that she came there some time prior to that and tried to get permission to live there ? A. She came there in November and tried to force herself in.

Q. Didn't anybody force her out ? A. I don't know whether they did or not, because I was in the kitchen at the time, washing the dinner dishes.

Q. Did anybody call you while the altercation was going on ? A. Mr. Gibson did.

Q. Did he give you any instructions with reference to Mrs. Gibson?

A. He said—he came to the kitchen door and said, “Hattie, come here.” I heard a row going on and did not want to have anything to do with it, and I asked him what did he want and he said, “Come here again.” I went out into the hall; I saw Mrs. Gibson in the hall, Mr. O’Laughlin, and Mr. Gibson. Mr. Gibson said, “Hattie, this is Mrs. Gibson; she has no right here, and if she comes here when we are away don’t let her in.”

Q. What did he say to you about a policeman? A. He did not say anything about a policeman. A policeman’s name was not called.

Q. Did he not instruct you in that conversation, and on that occasion that if Mrs. Gibson came back there or if she came back there and tried to get into that house or come into the house for you to call a policeman and have her put out? A. He did not.

Q. Is there no room for doubt or failure of recollection about that? A. No, sir; none whatever.

Q. What have you to say about Mr. O’Laughlin’s statement
274 that he said for you to call a policeman? A. I did not hear Mr. O’Laughlin say anything, because Mr. O’Laughlin did not say anything to me.

Q. What have you to say about Mr. O’Laughlin’s testimony in this case in which you were told that if Mrs. Gibson tried to force herself into that house for you to call a policeman and have her put out?

By Mr. JEFFORDS: I object to that because Mr. O’Laughlin did not so testify.

By Mr. DOUGLASS: Counsel for the complainant is willing to rest that upon an examination of the record.

The WITNESS: If the name of a policeman was called I did not hear it, and I can swear to that. I did not.

Q. You heard all Mr. Gibson said to you on that occasion? A. I certainly did, because he came to the kitchen door and called me out into the hall, and I went out into the hall because he wanted me.

Q. Did Mrs. Gibson behave herself in a lady-like way in that house? A. I do not think she did.

Q. She did not impress you as being a lady? A. I don’t say she did not impress me as not being a lady, but she raised a fuss when she had been in the house 24 hours.

Q. Was her conduct during the time she was in there that of a lady or to the contrary? A. Her conduct was that of a quarrelsome woman and a talkative one.

275 By Mr. DOUGLASS: Counsel repeats the question and asks for an answer to it.

(Question is repeated to witness.)

The WITNESS: In some instances it was that of a lady; in most instances it was the other way—of a quarrelsome and talkative woman.

Q. Was her conduct in most instances unladylike? A. I don't say that they were in most instances.

Q. What do you say about it? A. I say, as I said before, she was a quarrelsome, treacherous, meddlesome woman.

Q. Did she meddle with your business? A. She certainly did.

Q. Did she meddle with Mr. Gibson's business? A. I have not anything to say. They were man and wife.

Q. Do you know one way or the other way; did Mrs. Gibson meddle with Mr. Gibson's business? A. I don't know anything about Mr. Gibson's affairs.

Q. You never saw her meddle, then, with Mr. Gibson's affairs? A. No, sir; I never.

Q. In what way did she meddle with your affairs? A. Well, one night I had been to the hall on M street northwest. My society gave a fair there, and I was secretary of my booth. The next morning she asked me where did I go every night and stay so late, and I asked her, "Why?" She said, "Nothing," and laughed. I told her Mr. Beck had hired me and did not ask me that, and she had no right to.

Q. Any other instances of her meddling with your affairs?
276 A. Well, she would come into the kitchen of mornings, directly after Mr. Beck and Mr. Gibson had gone from breakfast, and talk me nearly to death in a nonsensical way, talking about her husband did not love her, and I was tired of hearing that, and I asked her to please go and talk to somebody else.

Q. You said in your direct examination, "I was tired of her;" is that true? A. I said I was tired of her worrying me to death.

Q. She called to help you wash and clean the dishes, did she not? A. She asked permission to wipe the dishes.

Q. She asked permission? A. Yes, sir.

Q. You refused to give permission? A. I did, because——

Q. How many times did Mrs. Gibson ask your permission to help wash the dishes and you declined? A. Several times.

Q. When Mrs. Gibson would talk to you she was talking of her troubles, was she not? A. Supposed to be.

Q. Why do you say supposed to be? A. Because Mrs. Gibson told me when she first came into the house that she did not care for me because I knew of her affairs and the troubles she had with Mr. Gibson the night she came to the house in November, and she thought I did not care for her. I told her that she was very foolish to think that—that I had nothing to do with her affairs.

Q. Did she talk about how Mr. Gibson treated her? A. Yes, sir; she did.

Q. Did you ever see her cry? A. Yes, sir; I did.

277 Q. Many times? A. Yes, sir.

Q. Did she seem to be in great distress? A. I could not say that.

Q. I did not ask you if you knew she was in great distress, but I asked you if she seemed to be in great distress. A. She was crying; I do not know whether she was in distress or not.

Q. Did you think she was putting on? A. Part of the time.

Q. Putting on for a purpose? A. Yes, sir; I do.

Q. Do you think her scheme was to entrap somebody? A. Yes, sir; I do.

Q. Do you think it was to entrapp you and Mr. Gibson? A. I don't know whether it was to entrapp me and Mr. Gibson, but I knew that woman was a treacherous woman.

Q. You knew she was trying to entrapp Mr. Gibson, did you? A. Yes, sir; for the reason why she asked me if anything should happen between her and Mr. Gibson would I take her part; she did not say it would happen.

Q. You testified to all that in your direct examination? Q. That is an answer to this.

Q. I did not ask you why; I asked you for the fact. A. That is my reason for knowing that she was a treacherous woman, because if she had no reason she would not ask me.

Q. Did you have any reason to suspect that she should want to do you harm? A. Yes, sir; I did.

278 Q. You had reason to suspect that she wanted to entrapp you, too? A. Yes, sir; I did.

Q. You disliked her very much, did you not? A. No, sir.

Q. Did you like her? A. I liked her until I found out she was a different woman.

Q. Why did you think that she was trying to entrapp both you and Mr. Gibson? A. I did not say that she was trying to entrapp Mr. Gibson and myself, *and* I said that she was trying to entrapp me or do me some harm.

Q. And you also said that she was trying to entrapp Mr. Gibson? A. Well, from her talking to me about her husband so much.

Q. Did she make any charges against you and Mr. Gibson while she was in that house? A. I dont understand the question.

Q. Did she make any charges of any intimacy between you and Mr. Gibson? A. She told Mr. Beck that her husband was after me, and she told me so.

Q. How long before Mrs. Gibson left there did she tell you or Mr. Beck that? A. She told me that during the second week she was in the house. She intimated that during the first week.

Q. She intimated it, then, during the first week that she was there? A. Yes, sir.

279 Q. You were pretty indignant about it, were you not? A. I was, because I knew that it was not so.

Q. Did you ever talk to Mr. Gibson about the charges that Mrs. Gibson had made against you and him? A. I did.

Q. How often? A. I did not go to him often because I went to Mr. Beck, as Mr. Beck hired me.

Q. How often did you talk with Mr. Gibson about it? A. I went to him several times.

Q. Do you remember that Mrs. Gibson asked you on one occasions to keep Mr. Gibson out of the kitchen? A. She asked me why didn't I drive him out of the kitchen.

Q. Did you not tell her that you could not keep him out of the kitchen? A. I told her I had no authority to drive Mr. Gibson out of the kitchen.

Q. Didn't you tell Mrs. Gibson that Mr. Gibson did not love her? A. I did not.

Q. Didn't you tell Mrs. Gibson that he cared for you? A. I didn't, and God knows that is a lie.

Q. Did you ever see Mr. Gibson mistreat Mrs. Gibson? A. No, sir; I never did.

Q. Did you ever hear him speak disrespectfully of her or about her? A. No, sir.

Q. Did you ever hear him call her a fool? A. He spoke so at the table one night; yes, sir.

280 Q. You don't call that disrespectful talk about his wife? A. No, sir.

Q. Did you ever hear him call her a damned fool? A. Yes, sir; I think that is what it was at the table one night.

Q. You don't call that disrespectful talk by a husband of his wife? A. No, sir; I don't call it disrespectful.

Q. Did you ever hear him call her a liar? A. No, sir; I never did.

Q. Did you ever hear him call her a damned liar? A. No, sir.

Q. Didn't you hear him, on one occasion when you and Mr. Gibson and Mr. Beck were talking in the library about detectives, say to you to pay no attention to the damned cat? A. No, sir; I did not.

Q. How did Mr. Gibson treat Mrs. Gibson at the table? A. For the first two weeks they were all right; the next two weeks they did not speak.

Q. I did not ask you about that. I asked you about how did Mr. Gibson treat Mrs. Gibson. A. He treated her right.

Q. The whole time? A. I do not know about the whole time. I said he treated her all right.

Q. The whole time? A. I answered your question; for the first two weeks. I do not know what happened between themselves the next two weeks. I was not in their rooms.

Q. Were you in there the first two weeks? A. I went into her rooms to empty her slops and to clean up her room.

281 Q. Did you go into her room or their rooms to empty the slops and clean up their rooms the last two weeks she was there? A. No, sir; I did not.

Q. Will you explain how you had better opportunities to observe his treatment of her the first two weeks than the last two weeks? A. Because Mrs. Gibson called me a nigger strumpet, and I told Mr. Beck that I would not go into her room any more—I would leave first—and I did not.

Q. You declined the last two weeks to clean up her rooms and to empty the slops? A. Yes, sir; I did.

Q. She had to do it herself? A. I swept her rooms during the third week she was there because she asked me.

Q. The balance of the time she had to empty the slops and clean up her room herself? A. Yes, sir.

Q. I asked you some time ago what was Mr. Gibson's treatment of her at the dining table the last two weeks she was there? A. He did not speak to her; they had no communication whatever.

Q. Did he hand her anything at the table? A. I was not in the dining-room all the time. I went in, put the meals on the table, and came out. When dinner was over I carried the desert in and came out, so that I don't know what happened.

Q. Did Mrs. Gibson have any washstand in her rooms? A. No, sir; she did not.

Q. Was that an old suit of furniture or new one? A. She
282 brought it there; it looked like an old one. In fact, it was not a suit—everything was different.

Q. Pretty dilapidated? A. No, sir; it did not look so dilapidated.

Q. How was the pitcher and basin kept in her room? A. It was on a chair in the corner by the window.

Q. At what time was it that Mr. Gibson locked the door between his room and Mrs. Gibson's room?

By Mr. JEFFORDS: I want to object to that because there has been no testimony here that the door was locked at all, or, if it was locked, that Mr. Gibson locked it.

By Mr. DOUGLASS: Counsel for the complainant objects to the counsel for the defendant interjecting remarks of this sort at this stage of the cross-examination of this witness.

The WITNESS: I don't remember whether it was the third week or the last week she was there.

Q. It was locked on which side? A. I do not know, as I didn't see it locked and did not know where the the key was.

Q. Was not Mr. Gibson's bed against the door? A. Yes, sir; I think it was.

Q. The last week Mrs. Gibson was there didn't Mr. Gibson tell you to go up and clean up his room and let hers alone? A. He did not tell me to let hers alone. He only asked me if I would make his bed one morning.

Q. Well, you say he only asked you one morning if you would make his bed? A. Yes, sir.

Q. Was not that your regular duty? A. I did not make
283 their beds; she made them herself.

Q. You had nothing to do with that at no time while she was there? A. No, sir; when she first came there she told me she would make her own beds.

Q. You recollect when Mrs. Gibson left there? A. Yes, sir; she left on a Monday at 12 o'clock—between 11 and 12 o'clock on a Monday morning.

Q. Was a flag hung out of the window after she left? A. No, sir; I do not remember. There was a flag hanging out of the window, but not after she left.

Q. Before she left? A. Yes, sir; they had one there. In fact,

there was a flag hanging out of the window before she came to the house.

Q. When she came they had it taken in? A. I don't remember when it was taken in.

Q. You had charge of Mr. Gibson's mail, and keeping it for him, did you not? A. Yes, sir; he asked me—

Q. Was his habit to come in the kitchen and get his mail from you? A. He did not come in the kitchen and get it from me, as I told him where it was.

Q. He would come in and ask you where it was? A. Only to the kitchen door, and ask me had any mail been received for him that day.

Q. After Mrs. Gibson came there, what part or place was she to occupy in the household, so far as the management of the establishment was concerned? A. I do not know anything about that; only

284 Mr. Beck told me that she would do the marketing, and she told me one day that she was going to do the marketing, and I told her all right, as I had a plenty to do without it.

Q. Were you subject to her orders while you were there? A. Only to the orders of Mr. Beck, as I worked for Mr. Beck, and he hired me.

Q. You were not subject to any directions or orders that Mrs. Gibson would give you while she was there? A. Only to clean her rooms, and her clothes were washed there and ironed.

Q. She had nothing to do with directing as to what you should do, and when you should do it, and how you should do it? A. Had she wanted to, there would have been no objection.

Q. Your agreement under which you were employed as house-keeper, that you say commenced in January, continued the same as to what you were to get from the time you went there until the time you left? A. In regards to my pay?

Q. Yes. A. Yes, sir; a room, etc.—

Q. Were you simply a servant in the house? A. Yes, sir.

Q. You have stated in your direct examination that you had company there on some occasions? A. I did.

Q. How many occasions? A. Any time that I chose to have them.

Q. You testified that you would use the piano when your company would come to see you; is that true? A. If I wanted to; yes, sir.

285 Q. Did you use the piano? A. I played myself. Mr. Beck gave me the privilege to play on his piano, as it belonged to him.

Q. Did you play on it seldom or often? A. Whenever I felt like it—only at night, and then through the day, when I was not occupied, I practised a great deal.

Q. Where was the piano kept? A. In the music-room, next to the parlor.

Q. Folding doors between that room and the parlor? A. Yes, sir.

Q. They were really double parlors, were they not? A. They used it for either.

Q. You entertained your company, then, in the music-room, when you saw proper to do it? A. Yes, sir.

Q. Did you ever entertain your company in the front parlor? A. Sometimes.

Q. Were your company men or women? A. Both male and female.

Q. About how many did you have on ordinary occasions? A. Sometimes there would be three or four there.

Q. As many as three or four men and three or four women? A. No, sir; I did not say that; as many as three or four.

Q. In all? A. Yes, sir.

Q. They were colored men and women, of course? A. Yes, sir; my own color.

Q. Any of the rest of them who would play on the piano? 286 A. No, sir.

Q. Any of them ever dance in the parlor or music-room? A. If they wanted to, they did sometimes. There was nothing boisterous, though.

Q. Ever serve beer or other drinks? A. I had access to anything to eat or drink that I wanted to in the house. Sometimes I gave them a glass of beer.

Q. You say you had access to anything to eat or drink in the house? A. Yes, sir.

Q. What drinks were kept there ordinarily? A. Only beer; the gentlemen took two cases a week during the summer. There was no beer there during the winter.

Q. You had access, then, with their consent, to use the beer for yourself and your guests whenever you wanted to do so? A. They gave me permission; yes, sir.

Q. And you exercised that privilege? A. I did. I knew how far to go, though.

Q. You say that there was no waltzing, or anything of that sort, on any of these occasions? A. I said they might dance a little; nothing boisterous, as I said before.

Q. How long did you continue to exercise that privilege to use the music-room and parlor to entertain your guests? A. Mr. Beck told me that I could have company when I wanted to. My company were decent people, as I have always associated with that kind.

287 Q. From the time Mr. Beck bought the piano until the time you left there? A. Yes, sir; until Mrs. Gibson came.

Q. Did you not play that piano after Mrs. Gibson came? A. Yes, sir; but I was alone.

Q. You played it as often as you wanted to after she came, did you not? A. I practised.

Q. Every day? A. Yes, sir; of course I had my work to attend to?

Q. You had your work to attend to before she came, did you not? A. Yes, sir; I did, but I did not have as much to do.

Q. Have you a gold watch? A. Yes, sir; I have.

Q. It has your initials on it? A. Yes, sir.

Q. What are the initials on that watch? A. H. G. W.

A. Is that a gold watch? A. Here it is; yes, sir.

Q. Gold chain, too? A. Yes, sir.

Q. Where did you stay in the summer of 1899? A. I was out of the city; I was in Philadelphia.

Q. What was the time of your and Mr. Gibson's arrest? A. I don't remember now when it was. I know it was the Tuesday after Mrs. Gibson left—the next day; she left on a Monday.

Q. What part of the summer did you spend at Forest Glen, Maryland? A. I never was at Forest Glen, Maryland, in my life.

Q. Never in your life? A. No, sir.

Q. Ever have any mail directed to Forest Glen, Maryland? A. No, sir; I never did.

Q. Do you know a gentleman by the name of Talbert, who lived at Forest Glen? A. No, sir; I do not.

Q. You never were there? A. No, sir; I never was.

Q. Never had any mail sent there? A. No, sir.

Q. Did you ever live anywhere in that neighborhood? A. No, sir.

Q. Did you spend any portion of the summer of 1899 anywhere in the State of Maryland? A. No, sir.

Redirect.

By Mr. JEFFORDS:

Q. Counsel has asked you about a gold watch, and you have answered that you have it with you. Can you tell when you got that watch? A. Yes, sir; I can.

Q. When? A. I got the watch in August, 1898.

Q. Where did you get it? A. I got the watch—I was at 1602 13th street N. W.

289 Q. How did you get it? A. I had been wearing my husband's watch for about a year, and it was rather heavy, and I decided to buy myself a gold watch. In June, 1898, I spoke to Mr. Gibson about how much a ladie's watch would be and where was the best place to buy one. He told me——

By Mr. DOUGLASS: I object to any testimony by this witness as to conversations between herself and Mr. Gibson.

The witness continuing: —that the best place to buy a piece of jewelry of that kind was Galt's. I asked him if I gave him the money would he mind getting it for me, and he declined. I asked him several times afterwards, and he finally said yes. In August I gave Mr. Gibson \$28 and asked him would he get me the watch. He did. When he bought the watch I asked him how much was it. He said, none of my business; "Jimmie and Beck gave you money for Christmas and I did not, and I made up the rest in the watch."

By Mr. JEFFORDS: I offer in evidence now a duplicate bill of Galt & Company for the watch.

Q. Counsel for Mrs. Gibson has asked you about two certain pictures which you had taken from the pantry floor and put in your room—a picture of a man on a horse and a scenery picture; when you left your room and left 1602 13th street, what did you do with those pictures? A. I only took those that belonged to me—the two dogs. The others I left behind on the floor, because I had them all down from the wall.

Q. On the floor where? A. In my room over the kitchen.

290 Q. You said you did not want Mrs. Gibson to help you about the dishes? A. Because I did not believe she meant what she said when she wanted to help me. I thought she had an object in view, which I found out later that she did.

Q. Counsel for Mrs. Gibson has asked you how Mr. Gibson treated his wife, and I want you to tell how his wife treated him. A. She had not been in the house twenty-four hours when I heard her, and I could tell from the tone of her voice that she was quarreling. She kept that up as soon as Mr. Gibson entered the house. Every afternoon until bedtime she slept in his bed for the first two weeks, and I heard her quarreling with him after they were in bed, and I have known him to get up one o'clock at night and go downtown to get some rest and sleep.

Q. You said, in answer to question of Mrs. Gibson's counsel, that you thought Mrs. Gibson came there as a scheme to entrapp her husband; what made you think so? A. Because she asked me if anything should happen between her and Mr. Gibson would I take her part.

By Mr. DOUGLASS: I want to object to that on the ground that this witness did not say on cross-examination anything of the sort.

By Mr. JEFFORDS:

Q. What was Mrs. Gibson's conduct toward you during the first part of her stay at this house—say for the first two weeks? A. Very nice until I refused to go into her room after she called me a nigger strumpet, and then said, "Hit me, hit me."

Q. Who said that? A. Mrs. Gibson.

291 Q. What did you say to her? A. I simply showed her, by not calling her a name in return, how I was reared, and told her it was a shame to hit a wreck like she was.

Q. You say that you found out that she was a different women; how did you find that she was a different women? A. By her tipping down the stairs, watching me; her skirts gave her away. And she has told me that she peeped through key-holes, which she did.

Q. In reply to counsel for Mrs. Gibson you say that you went to Mr. Gibson several times about the way his wife treated you; what did Mr. Gibson say to you? A. He did not want to pay any attention to me at first.

Q. How was it—— A. And then he pushed me off and said, "Go

on." He did not want to hear anything of the kind. I then went to Mr. Beck.

Q. Did Mrs. Gibson come into your room at any time? A. Yes, sir; she came there one night about 11.30; I had just arrived home and lit my gas and came to my bed, and she said she had a heart spell and asked me if I would do something for her. I got up right away and went into the bath-room, wet the towel and put it on her head. She asked me would I go into the library and see if the gentlemen had any whiskey in there, to give her a little. I did, but could not find any. She seemed to be very sick.

Q. Did she call her husband? A. No, sir. I told her that I would have to call Mr. Beck or her husband, that I could not afford to let her die alone with me. She said, "No; let me die; don't call either of them."

292 Q. Did you call either of them? A. No, sir; I did not; but I assisted her upstairs and stayed with her until 1.30 o'clock.

Q. When they were at the table and Mr. Gibson did not speak to her, what was her conduct toward him? A. She did not say anything to him as I saw. Neither one had anything to say.

Q. How? A. They neither had anything to say to one another.

Q. Counsel for Mrs. Gibson has asked you about locking the door between Mr. and Mrs. Gibson's rooms; do you know about that of your own personal knowledge, or only by what you have heard? A. Only from what I have heard. I knew that the door was locked, but did not know who locked it.

Q. Do you know when it was locked? A. No, sir; I do not.

Q. Do you know why it was locked? A. No, sir; I don't.

Q. These quarrels between Mr. and Mrs. Gibson, what do you know, if anything, about who was to blame or who began them? A. Mrs. Gibson.

Q. After Mrs. Gibson had you and her husband arrested, how long did you stay in Washington? A. I stayed, I think, a week and a half or nearly two weeks. I don't remember whether it was a week or a week and a half or two weeks.

Q. Where did you go then? A. I went to 1117 11th street N. W.

Q. You don't understand my question; where did you go then?

A. I went to Philadelphia to my sister.

293 Q. Where did your sister live? A. She lived at 1309 Rodman street. She had a room there.

Q. With whom did you room when you went there? A. With my sister.

Q. And where did you work? A. 2025 North 11th street—Mrs. Widdis'.

Q. For how long? A. I worked there a long while. I cannot tell how long. Then I worked at 1106 Pine street for Mrs. Dr. Maris.

Q. Then where? A. Then I worked for a family at 758 South 18th street.

Q. Then where? A. Then I worked for Mrs. Wood, 914 Pine street.

Q. And then where? A. I think, then, after I had worked at those places I worked in Boston.

Q. About what time did you go to Boston? A. I went to Boston nearly two months ago.

Q. And since you have been in Boston where have you lived and where have you worked? A. I have lived at 616 Shawmut avenue with my sister, and assisted her in doing laundry work at home.

Q. And how did you happen to come her- and testify in this case? A. Mr. Gibson—he sent me the money to come with. When I left Washington I promised him whenever I was sent for I would come, and whenever I moved I would notify him about my address, so that he could have it when he needed me.

Q. You say that he sent for you to come here to testify?
294 A. He sent word to me.

Q. How did he send it? A. He wrote me a letter and sent \$30 in it.

Q. A letter? A. Not a letter; just a few lines in it—for my fare and my expenses while here.

Q. Where did you go in Boston to get that money? A. He sent it in bills to me. It came in the letter in bills.

Q. Have you the letter? A. No, sir. I did not see any necessity to keep it. It was not a letter. It was a few lines telling me that I was needed, and better report here on Thursday morning, which I did.

Recross-examination.

By Mr. DOUGLASS:

Q. One of the altercations you said you had with Mrs. Gibson, in which she called you a nigger strumpet, what did you say about how you had been reared? A. I said I simply showed her how I had been reared by not calling her a name in return.

Q. You showed her by not calling her a name in return that you had been better reared than she had? A. I thought more of myself than to call her a name in return.

Q. You thought, then, that you had been better reared than she had? A. Certainly I did. I thought more of myself than to call her a name.

295 Q. You said she had peeped through the key-holes at you. Is that true? A. She told me she had—yes, sir.

Q. Did you not say, in reply to a question from Mr. Jeffords, that you knew she had besides what she told you? A. By what she told me.

Q. You never saw her do so? A. No, sir; she told me so, only her own words.

HATTIE G. WISE,
Per R. B. B.

It is stipulated by and between counsel that the examiner may sign this witness' name to her testimony after counsel for each party has seen it and gone over it.

Adjournment until Friday, June 29th, at same place, at 11 o'clock a. m.

296

MONDAY, *July 2nd*, 1900—4 p. m.

Present: Mr. Jeffords, witness, and examiner.

JAMES J. SULLIVAN, a witness of lawful age called to testify by and on behalf of the defendant in the above-entitled cause, having first been duly sworn according to law, deposes and says as follows:

By Mr. JEFFORDS:

Q. Your name is James J. Sullivan; you live where? A. 1827 Sixth street N. W., Washington, D. C.

Q. What is your business? A. Private detective.

Q. How long have you lived in Washington? A. Well, since 1888 continuously, before that since 1874. I was three years in the South—from 1885 to 1888—but Washington was my home.

Q. Where were you born? A. Washington, and I lived in Baltimore for a few years.

Q. Do you know Henry Davis, a man who is a special policeman in the northwestern part of Washington, in the neighborhood of P, Q, and R streets and 13th and 14th streets? A. Yes, sir; I know him very well.

Q. How long have you known him? A. Since about 1888 or 1889.

Q. Do you know other people who know him in the community in which he lives? A. Yes, sir; lots of them.

Q. Do you know what his reputation is for truth and veracity? A. Not good at all.

Q. Would you believe him under oath? A. No, sir; I would not.

Q. Is this Davis the man who has been convicted of various offences in the District of Columbia? A. Yes, sir; he is the man.

Adjournment.

298

AUGUST 10TH, 1900.

At the office of H. E. Davis, at 11 o'clock a. m.

Present: Counsel (complainant not being represented), witness, and examiner.

Counsel for complainant, not being present at this session, reserve the right to object to any and all questions propounded to the witness, and also the right, if they so desire, to cross-examine him.

HENRY E. DAVIS, a witness of lawful age called to testify by and on behalf of the defendant in the above-entitled cause, having first been duly sworn according to law, deposes and says as follows.

By Mr. JEFFORDS:

Q. State your name and occupation. A. My name is Henry E. Davis, and I am an attorney-at-law, having been in practice at this bar for within a few weeks of twenty-one years. I was formerly United States attorney for the District of Columbia, and prior to that assistant attorney for the District of Columbia.

Q. Do you know another Davis by the name of Henry S. Davis, a special officer, watchman, and policeman? A. I don't know him personally, but know of him, and have known of him for some years.

Q. And how have you known of him? A. I first had my attention attracted to him by some newspaper accounts of some acts of his, and my attention was fixed by the fact that he bears the same name that my father did. This led me to speak of what I had seen reported of him, the exact nature of which I do not now recall, but his name and his conduct, so far as I have heard of it, have
299 naturally been in my mind since I first heard of it. While I was United States attorney I heard of him every now and then through the police officials and others, and have heard him discussed on various occasions.

Q. Would you say that, in that manner, you have learned and know his general reputation here in this community? A. I have heard him mentioned and discussed a number of times, and, while I have not heard all or a majority of the community talk of him, I have heard a great many people talk of him, and, as a result of what I have heard of him, I have formed an opinion concerning him.

Q. And concerning his reputation for truth and veracity? A. Yes, sir.

Q. From what you have learned of him and know of him and his general reputation for truth and veracity, would you believe him on oath? A. I would not, if it were to his interest to state what was not true or to the interest of any one whom he felt disposed to serve.

300

AUGUST 16TH, 1900.

At the office of Tracy L. Jeffords, Esq., at 1 o'clock p. m.

Present: Counsel (complainant not being represented), witness, and examiner.

Counsel for complainant, not being present at this session, reserve the right to object to any and all questions propounded to the witness, and also the right, if they so desire, to cross-examine him.

GEORGE O. MILLER, a witness of lawful age called to testify by and on behalf of the defendant in the above-entitled cause, having first been duly sworn according to law, deposes and says as follows:

By Mr. JEFFORDS:

Q. What is your age, occupation, and residence? A. I am 62 years of age; am a private detective, and live at No. 66 C street N. W.

Q. What service, if any, in the war and on the police force here? A. Three months' service in the war, and I was on the police and detective forces from 1862 to 1882.

Q. Do you know Henry Davis, a special watchman in this city, the special policeman who does duty in the neighborhood of 13th and Q streets? A. Yes, sir; I know him.

Q. How long have you known him? A. It has been over twelve years since I knew him; probably longer—I cannot tell—but not any less, I am satisfied.

301 Q. Do you know other people in this city and in the community where he lives, who are acquainted with him? A. Yes, sir.

Q. How and when have you come in contact with him and learned about him? A. I have seen him around the police court and about police business. I have not been associated with him on his beat.

Q. Do you know what his reputation is in this city and in the community in which he lives for truth and veracity? A. It is bad.

Q. Would you believe him on oath? A. No, sir; I would not believe him on oath.

302

AUGUST 24TH, 1900—1 o'clock p. m.

Present: Counsel for respective parties, witnesses, and examiner.

Mr. JAMES J. SULLIVAN was thereupon recalled for cross-examination—

By Mr. DOUGLASS:

Q. You say your occupation is that of a private detective? A. Yes, sir.

Q. How long have you been in that line of business? A. I have been in the private-detective business now over two years.

Q. What character of work do you do? A. What character of work?

Q. Yes, sir. A. Getting evidence for individual parties, procuring evidence in cases—railroad cases, etc.

Q. What was your occupation before that? A. I was a policeman.

Q. How long? A. How long was I a policeman?

Q. Yes, sir. A. About nine years.

Q. When was it you left the police department? A. On the 9th day of July, 1897.

Q. Did you have any trouble with them at all? A. With the police department officials?

Q. Yes, sir. A. I was dismissed.

303 Q. Was Davis ever on the police force? A. No, sir; not to my knowledge. He never was in the police department. He served as a private watchman.

Q. Did Davis do any detective work? A. Not to my knowledge; no, sir.

Q. How long has Davis been a private watchman, to your knowledge? A. About twelve years.

Q. You have had no business dealings with him, have you? A. Yes, sir; I have been connected with him. He was a private watchman where I was a policeman.

Q. Are you and Davis on friendly terms? A. We are not on unfriendly terms.

Q. Are you on friendly terms? A. Well, you may say yes. I speak to him when I see him.

Q. Are you on as cordial terms as you have been heretofore? A. Always; yes, sir. We never were on really friendly terms, because I never thought a great deal of the man.

Q. You never did know him well or intimately? A. Yes, sir; I knew him very well.

Q. Intimately? A. Yes, sir.

Q. You knew him intimately? A. Yes, sir.

Q. You are not intimate with him now? A. I have not seen Davis for—I don't know—two years, perhaps. I don't remember the last time that I have seen Davis; probably two years—a year and a half. I may have seen him once or twice in that time, but I don't remember.

304 Q. Two years prior to that time that you speak of, how often did you see him then, say three or four years ago? A. I used to see him quite often, say once a week, once every two weeks. He used to come to the police court quite a lot four or five years ago, and I used to see him there principally.

Q. You were asked the question, Mr. Sullivan, on the direct examination, do you know what his reputation is for truth and veracity, and your answer was "not good at all." Tell me if you know whether he has any reputation or not, one way or the other, on that subject. A. I know that he has a reputation that is not good.

Q. Well, you mean not good for drinking, or disorderly conduct, or what? A. Drinking, disorderly conduct, and untruthfulness.

Q. Do you speak of his untruthfulness from the statements of what you have heard other people say, or from your own personal knowledge? A. Both; I know Davis is a very untruthful man; I know that of my own positive knowledge, and I have heard him discussed by numerous people on the same thing.

Q. You say you know it of your own personal knowledge? A. Yes, sir.

Q. Has he ever had any dealings with you which proved it? A. Yes, sir. I told you that he was a special officer where I was a police officer.

Q. In your personal experience with him, was it pleasant or unpleasant? A. Well, it was rather unpleasant.

305 Q. When did you have that experience? A. That has been something like twelve years ago.

Q. You have had no experience with him upon which you base your personal knowledge since that time—I mean personal knowledge, not what you hear? A. Yes, sir; I have seen him and heard him in the police court. I know that he has been arrested, and I know that he has done things that rational men would not do, and I heard him talked about by numerous people, which makes me think he is an unreliable man.

Q. The question I asked you was whether you had had any personal knowledge since the time you referred to as having taken place about ten years ago. A. No; I have never had any personal

experience with him after I left that beat, where he was stationed as a private watchman.

Q. That is about ten years ago? A. Yes, sir.

Q. And you say the experience you had with him was of an unpleasant character? A. Yes, sir.

Q. Did it develop into any sort of controversy or difference of opinion between you and Davis? A. No.

Q. You and Davis speak when you pass now? A. We did. He used to say, "How do you do, Mr. Sullivan?" and I would say, "How do you do?" I would never speak to him unless he spoke to me, but if he would speak to me I would never turn him down. I have never had any conversations with him or any pleasant talks; no familiarity.

Q. You mean, Mr. Sullivan, that if you passed Mr. Davis
306 on the street you would not speak to him unless he first spoke to you? A. Yes, sir; that is the idea.

Q. Have you any special reason for that? A. The only reason is that I don't think the man is any good, and never thought he was any good, and don't wish to be brought in contact with him, to speak to him or encourage conversation.

Q. In other words, you don't like him? A. Not very well; no, sir.

Q. Does he like you? A. I don't know.

Q. Don't you know that he does not? A. I don't know, but I don't think he does.

Q. Tell us, Mr. Sullivan, what unpleasantness you and Davis have had to put you and him in that particular frame of mind towards each other. A. I arrested Davis, when I was a police officer, for being drunk and disorderly in a bar-room over in that locality called Hell's Bottom at one time, and the lieutenant released him, and Davis made it or tried to make it unpleasant for me.

Q. How? A. By criticising and talking. He is a very mouthy man, and what the men used to term a terrible liar, and he used to say things that were not so, and he would imagine things and speak them for the truth.

Q. That was about you? A. Yes; and other people, too.

Q. Did he prefer charges against you? A. No, sir; no grounds for it.

Q. So the unpleasantness grew out of an occasion when you
307 arrested him and the lieutenant released him? A. Yes; that was the reason; but, independently of that, why I never considered that he was any good long before that.

Q. But, as I understand it, the unpleasantness between you and Davis grew out of that arrest that you just referred to? A. The unpleasantness on his part, not on my own. I did not have any more thought of the man then than before.

Q. Did he not criticise you and talk about you, about that very arrest, growing out of that very arrest? A. Yes, sir; he did some talking.

Q. You abused him? A. Well, he made unpleasant remarks and thought that I did him an injustice, etc.

Q. Did he talk pretty harshly about you? A. No; I did not think he did.

Q. You did not like what he said? A. Very naturally, no.

Q. After that time you had nothing to do with him? A. I did not have before or after; just had occasion to arrest him.

Q. When was it that you were intimate with him? A. The intimacy was only as a police officer, on my part, and a private watchman, on his part, doing duty in the same locality. We were brought in contact with one another more or less in the night-time, and he would say, "How do you do?" and I would also, but, so far as being intimate, I was never intimate with him; you might consider it an intimacy, I don't; it is a matter of opinion, that is all.

Q. Will you tell me, Mr. Sullivan, whom you heard say
308 Mr. Davis has a bad reputation for veracity? A. Well, I could not begin to tell you all the people that I have heard say so.

Q. Will you name some of them? A. I will endeavor to. I have heard several people and policemen—citizens and policemen. I have heard police officer Goldman.

Q. What are his initials? A. I don't know.

Q. Is he on the police force now? A. Yes, sir; he is a bicycle officer in No. 3 precinct.

Q. Do you know his house address? A. No; I don't.

Q. Who else? A. I have heard Detective McDonald. He is a Metropolitan detective, stationed over at the B. & O. depot.

Q. There now? A. I think so. I don't know whether he is on in the forenoon or afternoon. I think he is on in the evening.

Q. Who else? A. I have heard the special officer around the corner here—Johnson.

Q. White man or colored man? A. Colored man.

Q. The other two men are white? A. Yes, sir; and I have heard several. I could not begin to—

Q. Then those are the only people that you can remember? You don't remember anybody else? A. Not at present; no, sir. If I sat down and thought over it seriously I might remember a whole lot more.

Q. You know the injury to one to give such testimony as you have given in this matter, and I want you to think seriously
309 and tell me somebody else that you have heard make that statement about Mr. Davis. A. I have heard another officer, Officer Rhodes, say that Mr. Davis is a very bad character.

Q. For veracity? A. For everything. He was not speaking to me.

Q. Where is he? A. I don't know. He is a police officer—I think he is in No. 8 precinct. He used to be a detective on the Metropolitan police force.

Q. Can you mention anybody else, Mr. Sullivan? A. I don't know; I have heard so many speak of him that it has escaped my mind. I suppose that if I had heard from four, five, six, or ten people I would have remembered it, but I have heard so many speak of him that I positively cannot remember them.

Q. You cannot name anybody else, then? A. No, sir.

Q. You were asked the question here whether you would believe him on oath. Your answer given is: "No, sir; I would not." Do you mean by that that you would not believe Mr. Davis on oath in a matter in which he has no interest or concern whatsoever, or do you mean that you would not believe him in a matter in which he was vitally interested? A. Well, I have so little regard for Mr. Davis of my own personal knowledge and having heard him discussed that I don't think he is worthy of belief in any instance.

Q. Whether he was interested or not? A. Yes, sir.

310 Redirect examination.

By Mr. JEFFORDS:

Q. Have you seen him in the police court on any occasion charged with any offense or convicted of any offense which you recall? A. I seen him in the police court one time; he was charged with shooting a dog maliciously on his beat. I think it was on Twelfth street or Q street.

Q. Any other occasion you recall now? A. I have heard of several other occasions where he was brought into court—once for assaulting his wife. I heard that mentioned. And I know that he was arrested for disorderly conduct—for being drunk and disorderly. He is a very excitable man when he is under the influence of liquor, and he is calculated to do most anything.

Q. Do you know anything about his being in the police court at any other time for another offence? A. I have heard so much about the man that I refused to think of him at all; lost all interest. He became so prominent there at one time for being brought into court that it was not interesting any more.

Recross-examination.

By Mr. DOUGLASS:

Q. The only charges that you know of or remember to have heard of against Mr. Davis in the police court are disorderly conduct, drinking, and shooting a dog? A. And assaulting his wife.

Q. You don't remember any others? A. I have heard of several others, but I have forgotten them—the times he was brought
311 into court. If my memory were recalled to it, I probably would remember it; but it has been some time ago.

Q. How many times were you arrested? A. Once.

Q. At the time that you arrested him for disorderly conduct and carrying a concealed pistol, were the charges not dismissed and Davis released? A. Yes; the lieutenant released him, which he had a perfect right to do; but had Davis been brought into the police court he would have been convicted.

By Mr. DOUGLASS: I object to so much of the answer of the witness that refers to what might have taken place in the police court as not responsive to the question and as showing the bias and hostility of the witness towards Davis.

Q. He was acquitted of some of the charges you refer to and convicted of others, was he not? A. I presume so.

Q. Don't you know so? A. Well, I don't remember correctly; I suppose that is the way; but he was brought in numerous times. I don't think he was convicted of them all. Just what cases he was convicted of I can't remember.

Q. I understood you to say in the redirect examination by Mr. Jeffords that Davis was discussed so much that you forgot all about him and can't remember for that reason; is that correct? A. Not in a way that you would construe it.

Q. Will you please express it in a way that you think will properly say what you mean by that? A. I said that Davis was discussed so very much that he failed to be an interesting character any more and I refused to think of him. I did not mean
312 that I had entirely forgotten him. If that were the case I would not remember anything about him.

Q. You say that you refused to think about him? A. I refused to think him an interesting person any more. When a man is brought into court repeatedly he becomes a source of interest to a whole lot of people—they discuss him.

Q. And that is the reason why you don't remember any more about the details than you have given? A. I suppose so; yes, sir.

Q. Who preferred charges against you when you were dismissed? A. Inspector Pearson.

Q. What were those charges? A. I was charged with entering a place where intoxicating liquors were sold.

Q. And you were dismissed by the police authorities? A. Yes, sir.

JAMES J. SULLIVAN,
Per R. B. B.

313 Cross-examination of GEORGE O. MILLER.

By Mr. DOUGLASS:

Q. What is your present occupation? A. I am in the independent detective business.

Q. How long have you been in that employment? A. Some four or five years.

Q. When did you first know Mr. Davis? A. It has been about twelve years ago, I think—twelve or thirteen years ago.

Q. Where were you employed at that time, and where was Davis employed? A. I knew Davis when he was a special officer around the courts; it might be some twelve or thirteen years; I was around the courts a great deal of the time, and I don't know much of Davis personally, myself, only what others say of him.

Q. Were you ever on the police force? A. I was on the police and detective forces.

Q. When did you leave the police force? A. In 1882.

Q. Why? A. Dismissed for violation of section 53, for not reporting to my superior officer.

Q. Something you ought to have reported and you did not report? A. I did not have anything to report.

Q. The charge against you was that you had something which you ought to have reported and you did not report it? A. Yes, sir.

Q. So you were dismissed from the police service, too? A. 314 Yes, sir.

Q. Are you on good terms with Mr. Davis? A. I did not know much about Davis; I did not have any talks with him; when I saw him around I just bowed; I just know him to meet him. What I know about him is his general reputation, and I do not take the man to be right in his head—that is what I think about him.

Q. You think that he has mental trouble? A. Yes, sir; I do. The mental trouble is, he is not right in his head.

Q. When you say that you just bowed to him when you passed him——

The WITNESS: I have no evil in the world against him.

Mr. DOUGLASS, continuing: Has that been so ever since you have known him, or has that been of recent years? A. I have not seen him much of recent years; I have not seen him for a long time—for years. He has not been commissioned for a long time, and I don't see him around the courts now.

Q. How long has it been since you have seen him around the courts? A. Well, nine or ten years; since his troubles at the time the policeman was shot and the colored man was shot, I seen a great deal of him around the courts then, in which he was connected in some way in assisting the officer when three men were killed.

Q. Was that the time you heard him talked about by people? A. Yes, sir; and at other times.

Q. You heard nothing in recent years about him, one way or 315 the other? A. I have not heard much of him recently. Yes;

I have in recent years heard men speak of him whenever his name came up—officers and some citizens.

Q. But the time he was talked about with reference to his reputation was the time when he was about the police court, was it? A. Yes, sir; well, at any time; I never had any personal dealings with the man in my life; I don't know that ever I passed a half dozen words with him.

Q. When was it you heard people talk about Davis? A. About the occurrence of that shooting—I don't know the time—up to the present time.

Q. Well, Mr. Miller, has the talk been about his disorderly conduct or his drinking, or about what? A. That was never discussed with me. I did not know anything about that at all.

Q. You never heard anything of the charges against him in the police court? A. Oh, yes, I heard it mentioned, but I never heard it until Sullivan just mentioned the charges he was arrested for. I had heard he had been arrested for shooting his wife, or shooting at her.

Q. You don't know, Mr. Miller, whether he was convicted or acquitted upon any of these charges? A. No, sir.

Q. You know nothing as to his character for truthfulness from your own personal knowledge? A. No, sir; I would not believe him, because I did not believe he was responsible; that is my thought about him.

Q. That is the reason why you would not believe him, Mr. Miller?

A. Yes, sir; that is one of the reasons.

316 Q. Is that the principal reason? A. With me. I have heard people speak about him and say he was not a reliable man.

Q. You do not know whether in saying he was not a reliable man whether they were speaking of his being irresponsible, or honest, or quarrelsome, or truthful, or what; is that right? A. Some of them; he had a reputation for being false when he was drunk.

Q. Was that the main subject of conversation and discussion when Davis' name was mentioned? A. I do not know that it was the main thing about him. Davis was a man that did not make many friends. His manner was repulsive, and he did not seem to me that he was a man who was right in his head, in his manner, talk, and action.

Q. The people that you heard talk about him did not like him, did not like his manner, and did not like his action? A. No, sir.

Q. Did those people whom you heard talk about him speak about his being quarrelsome? A. Spoke about him as being no good, as being an unreliable man.

Q. You never arrested Davis yourself, did you? A. No, sir; never had a word for him in my life; have no feeling against Davis at all in the matter.

Q. When was the last time you heard Davis discussed? A. Two or three weeks ago.

Q. Was that in connection with this case? A. Yes, sir.

317 Q. Who was present at that discussion? A. Well, one of the times Sullivan was present when Officer Rhodes spoke.

Q. When was that? A. I do not know when it was. It might have been two, three, or four weeks ago.

Q. Any other occasion? A. Yes, sir; probably two months ago—Officer Watson. His name came up; and he did not speak very kindly of him. He was no good man.

Q. He said he was no good? A. He said he was not worthy of belief in his opinion.

Q. He is on the police force now? A. Yes, sir; he is.

Q. Anybody else that you can mention? A. Nobody else particularly that I can mention. I cannot say much about Rhodes saying that he would not believe him under oath, but he said he was no good, and an irresponsible man.

Q. Did Rhodes say he did not think Davis was right in his mind? A. I do not know that he did.

Q. Ever hear Sullivan talk about him? A. Yes, sir; Sullivan mentioned his name to me, but I knew nothing about what Sullivan testified to today until you brought it out on the cross-examination.

Q. How often did he mention his name to you? A. Well, I suppose, a dozen times within the last two months.

Q. Did he speak disparagingly of Davis every time? A. He said that he would not believe him on oath.

Q. Who asked you to testify in this case? A. Mr. Jeffords asked me if I knew of the man, and I told him yes.

318 Q. Did not Mr. Sullivan ask you if you knew him? A. Mr. Sullivan knew nothing about it until he saw me here; that is my impression.

Q. In the dozen or more times that Sullivan talked to you about Davis in the last two or three months, did you express any opinion about Davis in those conversations? A. I told him just what I told you; that I would not believe Davis on his oath; that I did not think that the man was right in his head—irresponsible

Q. And after you had these conversations with Mr. Sullivan, in which you said what you believed about Mr. Davis, did Mr. Jeffords send for you? A. I did not have any talk with Sullivan before I saw Mr. Jeffords about this case; then I seen Sullivan. Mr. Jeffords asked me if I knew him; then I spoke to Mr. Sullivan in reference to the matter. I do not know whether he spoke to me first or me to him.

Q. As I understand you, Mr. Miller, the principal talk that you have heard people have about Davis was about his being quarrelsome and disagreeable when he was drinking, and unreliable when he was drinking? A. Yes, sir; unreliable, and had no scruples about swearing against people when he took the stand.

Q. You were asked here if you would believe him on oath; do you mean to say, Mr. Miller, that you would not believe Mr. Davis on oath about anything, even if he has no interest? A. I would not believe him on oath where he was interested.

Q. But if he had no interest whatever in the matter, would not you believe him then, Mr. Miller? A. No, sir; I should
319 think not. I have got no confidence in him.

Q. Would you not believe him in a matter in which he was wholly uninterested; because you think he is not in his right mind is that your reason why you would not believe him in a matter like that? A. That is another thing; he may tell the truth sometimes.

Q. You mean to say, then, Mr. Miller, that you would not believe him in a matter in which he has no sort of interest one way or the other? A. I would not say that; wherever he was interested; where he had no interest of any sort I do not know what he might do.

GEORGE O. MILLER,

Per R. B. B.

By Mr. JEFFORDS: The defendant here closes his case, subject to the right of the complainant to cross-examination Mr. Henry E. Davis.

Present: Same counsel.

Cross-examination of HENRY E. DAVIS.

By Mr. DOUGLASS:

Q. Do you know this man personally, Mr. Davis? A. I do not.

Q. You know nothing, then, of your own knowledge of his character? A. I do not know anything about him, whether of his character or otherwise.

Q. Mr. Davis, you say here you heard him discussed, his general reputation, among the police officials, etc. Were not those discussions with reference to his drinking habit and his getting drunk and disorderly conduct and matters of that character? A. No; not exclusively. My recollection is that I first brought on the discussion of the man myself by mentioning in an amusing way the fact of having seen something about him in one of the newspapers, and the fact of the identity of his name with my father's, and that in the conversation which I thus provoked he was spoken of slightly, in general terms, not with reference particularly to drinking or disorderly conduct, but generally as an unworthy man.

Q. When was that, Mr. Davis? A. I could not tell.

Q. Some years ago? A. Yes, and wholly independent of any official position that I occupied. My present impression is that I then was not in any official position.

321 Q. That is before you came in as district attorney? A.

Yes, sir; and before I became assistant attorney of the District of Columbia, and after I had ceased to be such.

Q. As near as you can estimate it, how long—as that been? A. It would really be impossible for me to do anything more than to guess.

Q. Has it been as much as five or six years ago? A. Yes, sir; I am quite certain of that, according to my present recollection.

Q. You heard no discussion of any consequence about him since that time, have you? A. Yes, sir; I cannot identify the occasions, but while I was district attorney his name appeared before me in connection with some case in the office, and my former notice of the man was recalled to me, and in this very case or a branch of it. When I was approached in reference to taking some action in my official character his name again became the subject of discussion.

Q. You recollect who was present on that occasion? A. I cannot.

Q. You recollect how many? A. That I cannot, though my impression is that in connection with this case his name was mentioned both by a person or persons who approached me in hostility to Mr. Gibson and some who approached me in favor of Mr. Gibson, and again by some who appeared before me in response to my own call to aid me in an official inquiry into the facts of the case.

Q. So that the discussion that was had in reference to Davis—I mean to the witness Davis—while you were district attorney
322 was growing out of or did grow out of the criminal prosecution against the defendant in this suit? A. That much I am

certain of; and while I do not like to speak positively, I have also an impression that he was considered by me as a possible witness in some other case prior to the arising of this one.

Q. But you have no recollection——

Witness continuing: I wanted to say—what, perhaps, is unnecessary—that I consented to testify in this case with that reluctance which any man ought to feel in speaking unfavorably of another, but such reluctance I deemed, and always have deemed, proper to be forborne by what I conceive to be a sense of duty to testify about any man or any fact that any citizen may know of. I have no interest in this case. I have no knowledge personally of this man—never saw him.

Q. Recurring, Mr. Davis, to the discussion you had about him while you were district attorney, am I correct in understanding that you had that conversation in connection with the criminal prosecution against Charles A. Gibson, growing out of the same statement of facts as this divorce suit? A. As to the same statement of facts I cannot say, because I do not know what the testimony in this case is nor do I know what the allegations of the case are, but one of the discussions of the man was incident to a complaint that was made against him to my office in respect of his living in adulterous relations with some colored woman and referring to Mr. Gibson.

Q. And that criminal prosecution was pending when you went out of office, Mr. Davis? A. I think it was.

323 Q. And still pending, so far as you know? A. Yes, sir.

I will say that the name of this witness was furnished to me as to the name of one by whom some of the allegations in the criminal case could be sustained, and, recollecting my judgment of the man theretofore formed, I expressed a decided unwillingness to use him as a witness.

Q. It is true, is it not, Mr. Davis, that you directed the issuance of a warrant against Gibson, charging him with adultery, upon the affidavit made by this man, Davis, did you not? A. No, sir; I had nothing to do with it. I knew nothing of the case until the warrant had issued.

Q. Is it not correct, Mr. Davis, that parties came to see you in reference to the matter and you gave a note to the warrant clerk to issue the warrant—not to the warrant clerk, but to the assistant district attorney, at the police court, before this warrant issued? A. I do not recollect that; but I recollect that the proceedings had either been begun or had been applied for before I knew anything of it, and what I mean to be understood as saying is that the proceedings were not initiated as a result of anything that I did. Now, I may be incorrect in saying that I did not direct the warrant ultimately to issue; what I mean to be understood as saying is that I did not institute the proceedings, and, so far as I now recollect, I had no knowledge of the person or persons upon whose sworn complaint the proceedings were to be begun.

Q. You do not remember, Mr. Davis, that I brought you the affidavit of the witness Davis and came to see you in the office? A. I do rec-

ollect, very distinctly, that you came to see me, but my recollection is that you and some one else represented to me—and, I have
 324 no doubt, with perfect accuracy and fairness—that the fact of the man's guilt could be established by several witnesses and by a combination of circumstances making it proper that an inquiry should be had. I do not recollect this man as one of the persons, but I do not wish to be understood as saying that he was not. In any case of the kind where the complaining witness had independent counsel of respectability, and that counsel desired the case to proceed, I quite invariably accepted that fact as calling for an investigation, and that is what I did in this case.

Q. Mr. Davis, speaking about whether or not you would believe him, you use the expression "I would not if it were to his interest," etc. You do not mean to be understood, do you, that if Davis were wholly disinterested you would not believe him on oath? A. I recognize the doubtfulness of the propriety of allowing any man to say of another that he would not believe him on oath. I have never received the impression or formed the opinion that the man would lie for the fun of it, but I have formed the opinion and entertain it that if, by reason of his employment for a given purpose and for his personal interest in a given matter, falsehood would suit his purpose he would resort to it.

Q. Suppose, Mr. Davis, he were not employed and he had no personal interest, either directly or indirectly, in the matter in controversy, would you or would you not believe him on oath? A. Well, if his oath were necessary to be considered as a factor in arriving at a conclusion, and that would turn the balance one way or the other, I would not accept what he would say.

Q. If he had no interest, Mr. Davis, and no concern in the
 325 matter—in the outcome—and he were corroborated by others, would you believe him? A. You are going into a psychological field, now, and I can only answer it in this way: If his interests were enlisted in the establishment of one side of a question which he has espoused, my opinion of him is that what he might say could not be relied upon. To that extent I should consider him so far interested as to cause me to refuse to be governed by what he might say.

HENRY E. DAVIS,
 Per R. B. B.

326

DEFENDANT'S EXHIBIT No. 1.

In the Police Court of the District of Columbia.

Affidavit of Complainant.

DISTRICT OF COLUMBIA, ss:

On this 26 day of April, A. D. one thousand eight hundred and ninety-nine, personally came before Ivory G. Kimball and Charles F. Scott, judges of the police court of the District of Columbia, Annie H.

Gibson, who, being duly sworn according to law, doth declare and say that on the 16 day of November, in the year of our Lord one thousand eight hundred and ninety-nine, at the District aforesaid, Hattie G. Wise did then and there commit the crime of fornication with one Charles A. Gibson, against the form of the statute in such case made and provided and against the peace and Government of the United States of America.

(Signed)

ANNIE H. GIBSON.

Subscribed and sworn to before me this 26 day of April, A. D. 1899.

[SEAL.]

W. H. RUFF,
Deputy Clerk of Police Court, D. C.

A true copy.

F. A. SEBRING,
Deputy Clerk, Police Court.

327 Endorsed: No. 42630. Affidavit of complainant. United
States vs. Hattie G. Wise. Fornication. Complainant, Annie
H. Gibson. April 26, 1899.

DEFENDANT'S EXHIBIT 2.

In the Police Court of the District of Columbia.

Aff. No. 42630.

DISTRICT OF COLUMBIA, }
County of Washington, } ss:

To the marshal of the District of Columbia, Greeting:

Whereas Annie H. Gibson hath upon oath before us, judges of the police court of the District of Columbia, declared that on the sixteenth day of November, A. D. 1898, at the county aforesaid, one Hattie G. Wise, late of the District aforesaid, did then and there commit the crime of fornication with one Charles A. Gibson,
328 against the form of the statute in such case made and provided and against the peace and Government of the United States of America:

You are, therefore, hereby commanded to take the said Wise and bring her before the said police court forthwith to answer said charge.

Witness the Hon. Ivory G. Kimball and the Hon. Charles F. Scott, judges of the police court of the District of Columbia, and seal of said court this twenty-sixth day of April, in the year of our Lord one thousand eight hundred and ninety-nine.

[SEAL.]

W. H. RUFF,
Deputy Clerk of Police Court, D. C.

A true copy.

F. A. SEBRING,
Deputy Clerk, Police Court.

Endorsed: Precinct No., —. United States vs. Hattie G. Wise, 1602 13th St. N. W. Warrant for fornication. *Cepi*: E. R. Martin, M. P. Witnesses: Annie H. Gibson, 505 E. Cap. St. Filed April 27, 1899. Joseph Y. Potts, clerk police court, D. C.

329

DEFENDANT'S EXHIBIT No. 3.

In the Police Court of the District of Columbia, April Term, A. D. 1899.

DISTRICT OF COLUMBIA, ss:

Henry E. Davis, Esquire, attorney of the United States in and for the District of Columbia, who, for the said United States, prosecutes in this behalf, by Alexander R. Mullooney, Esquire, one of his assistants, comes here into court, at the district aforesaid, on the twenty-seventh day of April, in the year of our Lord one thousand eight hundred and ninety-nine, in this said term, and for the said United States gives the court here to understand and be informed, on the oath of one Annie H. Gibson, made on the twenty-seventh day of April, in the year last aforesaid, at the District aforesaid, before the said Alexander R. Mullooney, Esquire, one of the assistants to the said attorney of the United States, as aforesaid, that one Hattie G. Wise, late of the District aforesaid, on the sixteenth day of November, in the year of our Lord one thousand eight hundred and ninety-eight, with force and arms, at the District aforesaid and within the jurisdiction of this court, being unmarried, did then and there unlawfully commit the crime of fornication and then and there had carnal and sexual intercourse with one Charles A. Gibson, against the form of the statute in such case made and provided and against the peace and Government of the United States of America.

Whereupon the said attorney of the United States, who in this behalf prosecutes for the said United States in manner and form as aforesaid, prays the consideration of the court here in the
 330 premises, and that due proceedings may be had against the said Hattie G. Wise in this behalf to make her answer to the said United States touching and concerning the premises aforesaid.

HENRY E. DAVIS,
 [SEAL.] *Attorney of the United States in and for the*
District of Columbia,
 By ALEXANDER R. MULLOWNEY,
His said Assistant.

A true copy.

F. A. SEBRING,
Deputy Clerk, Police Court.

Endorsed: No. 105,402. United States vs. Hattie G. Wise. Fornication. Witnesses: Annie H. Gibson. Filed April 27, 1899. Joseph Y. Potts, clerk police court, D. C.

331

DEFENDANT'S EXHIBIT No. 4.

Affidavit of Complainant.

In the Police Court of the District of Columbia.

DISTRICT OF COLUMBIA, ss:

On the 26th day of April, A. D. one thousand eight hundred and ninety-nine, personally came before Ivory G. Kimball and Charles F. Scott, judges of the police court of the District of Columbia, Annie H. Gibson, who, being duly sworn according to law, doth declare and say that on the 16 day of November, in the year of our Lord one thousand eight hundred and ninety-eight, at the District aforesaid, Charles A. Gibson did then and there commit the crime of adultery with one Hattie G. Wise, against the form of the statute in such case made and provided and against the peace and Government of the United States of America.

(Signed)

ANNIE H. GIBSON.

Subscribed and sworn to before me this 26th day of April, A. D. 1899.

[SEAL.]

W. H. RUFF,

Deputy Clerk of Police Court, D. C.

A true copy.

F. A. SEBRING,

Deputy Clerk, Police Court.

332 Endorsed: No. 42629. Affidavit of complainant. United States vs. Chas. A. Gibson. Adultery. Complainant, Annie H. Gibson. April 26, 1899.

DEFENDANT'S EXHIBIT No. 5.

Filed May 5, 1899. J. R. Young, Clerk.

In the Police Court of the District of Columbia.

Aff. No. 42629.

DISTRICT OF COLUMBIA, }
County of Washington, } ss:

To the marshal of the District of Columbia, Greeting:

Whereas Annie H. Gibson hath, upon oath before us, judges of the police court of the District of Columbia, declared that on the sixteenth day of November, A. D. 1898, at the county aforesaid, one Charles A. Gibson, late of the District of Columbia, did then and there commit the crime of adultery with one Hattie G. Wise, against the form of the statute in such case made and provided and
333 against the peace and Government of the United States of America:

You are therefore hereby commanded to take the said Charles H. Gibson and bring him before the said police court forthwith to answer said charge.

Witness the Hon. Ivory G. Kimball and the Hon. Charles F. Scott, judges of the police court of the District of Columbia, and seal of said court this twenty-sixth day of April, in the year of our Lord one thousand eight hundred and ninety-nine.

[SEAL.]

W. H. RUFF,
Deputy Clerk of Police Court, D. C.

A true copy.

Test: J. R. YOUNG, *Clerk*, [SEAL.]
By F. W. SMITH, *Ass't Cl'k*.

Endorsed: Crim. No., 22104. Precinct No., 105,401. United States vs. Charles A. Gibson, 1602 13th N. W. Jeffords. Warrant for adultery. May 5, '99. *Cepi*: V. H. McCormick, D. U. S. M.; E. R. Martin, M. P. Witnesses: Annie H. Gibson, 505 E. Cap. St.; Henry S. Davis, W. W. Martin, Jas. McGrath, Rev. J. G. Ames, 1602 13 N. W. May 2d, 1899, plea, not guilty. May 4, '99, examination waived. Held to await the action of the grand jury. Recognizance in sum of \$500 to appear in supreme court, D. C., entered into May 5th, 1899. Jas. M. McKee, surety. Filed April 27, 1899. Joseph Y. Potts, clerk police court, D. C.

334

DEFENDANT'S EXHIBIT No. 6.

In the Supreme Court of the District of Columbia, Holding a Criminal Term, April Term, A. D. 1899.

DISTRICT OF COLUMBIA, ss:

The grand jurors of the United States of America in and for the District of Columbia aforesaid upon their oath- do present:

That one Charles A. Gibson, late of the District aforesaid, on the eighteenth day of November, in the year of our Lord one thousand eight hundred and ninety-eight, and at the District aforesaid, did commit adultery with one Hattie G. Wise, by him, the said Charles A. Gibson, having then and there carnal knowledge of the body of her, the said Hattie G. Wise, and by her, the said Hattie G. Wise, having then and there carnal knowledge of the body of him, the said Charles A. Gibson, she, the said Hattie G. Wise, not being then and there the wife of the said Charles A. Gibson, and the said Charles A. Gibson being then and there a married man and then and there having a lawful wife alive other than the said Hattie G. Wise, and the said Charles A. Gibson and the said Hattie G. Wise not being then and there lawfully married to each other, against the

form of the statute in such case made and provided and against the peace and Government of the said United States.

HENRY E. DAVIS,
*Attorney of the United States in and for the
District of Columbia.*

A true copy.

Test: J. R. YOUNG, *Clerk*,
[SEAL.] By F. W. SMITH, *Ass't Clerk*.

335 Endorsed: No. 22104. United States vs. Charles A. Gibson.
Filed in open court Jun- 27, 1899. J. R. Young, clerk.
Adultery. Witnesses: Annie H. Gibson, J. G. Ames, Henry S. Davis, M. P.; E. R. Martin, M. P.; Johnson West. A true bill.
Louis P. Shoemaker, foreman.

DEFENDANT'S EXHIBIT No. 7.

Fine stationery and card-engraving.

1107 Pennsylvania avenue.

Established 1802.

WASHINGTON, D. C., *June 23rd*, 1900.

Mr. C. A. Gibson bought of Galt & Bro., jewellers & silversmiths.

Terms, cash. After sixty days interest will be added.

1898 duplicate.

Aug. 27. To one gold watch, M 8 / 7,569,554..... \$30

Paid.

8, 27, 1898.

GALT & BROTHER.
M. H.

336 Be it known that at an oral examination held on the several days mentioned in the depositions hereto attached I, Rudolph B. Behrend, an examiner in chancery in and for the District of Columbia, did cause to be personally present at the times and places therein stated the following witnesses, namely, J. P. O'Laughlin, Henry K. Beck, Hattie G. Wise, James J. Sullivan, Henry E. Davis, and George O. Miller, all of whom are of lawful age, called to testify by and on behalf of the defendant in the above-entitled cause, when and where the depositions of said witnesses were by me stenographically reported from the oral statements of said witnesses made in answer to the interrogatories and cross-interrogatories propounded by counsel for the respective parties then and there attending, the said witnesses having been by me first duly sworn according to law; that the said depositions were afterwards reduced to typewriting and, in accordance with the stipulation between counsel, signed by me on their behalf, and that the exhibits filed herewith were duly offered in evidence by counsel and were duly marked for identification, the same being annexed hereto.

I further certify that I am not of counsel for either of the parties

in said cause nor in any manner interested, either directly or indirectly, in this suit.

R. B. BEHREND,
Examiner in Chancery.

337

Testimony in Rebuttal.

Filed October 31, 1900.

Mrs. ALICE M. SANDERSON, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having first been duly sworn according to law, deposes and says as follows:

By Mr. DOUGLASS:

Q. Where do you reside? A. 638 A street S. E.

Q. Your husband living? A. Yes, sir.

Q. What is his full name? A. John W.

Q. What is his occupation? A. Clerk, General Land Office.

Q. Do you know the complainant in this divorce suit, Mrs. Gibson? A. I do.

Q. How long have you known her? A. Very nearly twenty years, or quite twenty years.

Q. During that period of time have you lived wholly in Washington? A. Yes, sir; with the exception of the summers, when I was in Virginia.

Q. Has Mrs. Gibson lived most of that time in Washington? A. Yes, sir.

Q. Do you know how long she has been married to Mr. Gibson?
A. I think about twenty-three years; nearly twenty-three years;
quite twenty-three years.

338 Q. She was then Mr. Gibson's wife when you first knew her?
A. Yes, sir.

Q. Did you live close to her at any time during that period? A. Yes, sir; about two years she was about eight or ten squares away, but all the other time, when she resided with Mr. Gibson, she was living within six or seven squares.

Q. Have you seen much of Mrs. Gibson during the last twenty years, the period of time you refer to? A. Yes, sir; I think I have as much as any one I know of.

Q. At all familiar or intimate with her? A. Yes, sir; she calls me her best friend. I feel that I am a very good friend of hers, and she of mine.

Q. Can you tell anything about Mrs. Gibson's character and disposition? A. I think I can tell a great deal about her.

Q. What do you know about her character and disposition?

By Mr. JEFFORDS: I object to the question of her character and disposition as immaterial and irrelevant; that is not at issue in this case.

The WITNESS:

A. I think she has a very fine character; she is an intellectual woman, well educated, and, as to her disposition, I think she is one of the most amiable women I have ever known. She is affectionate to her family and to her friends and exceedingly loyal to her husband, children, and friends.

By Mr. DOUGLASS:

339 Q. At all difficult to get along with her?

By Mr. JEFFORDS: I object to that as calling for a matter of opinion merely, and as not involved in this case.

The WITNESS:

A. Not at all; I think I answered that when I said she is so amiable. With her children she is very affectionate and kind. I have been in the house several hours at a time frequently. She is not at all reticent. She spoke before me just as before a sister, and treated her children the same way when I was there as when I was not there.

By Mr. DOUGLASS:

Q. Do you know the time when she went back to her husband when they lived on 13th street, 1602? A. I know about that time, but I had not seen her for a couple of months previously. I had a letter from her. I saw her immediately after. I mean she went into that house without my seeing her.

Q. You saw her a while after that? A. Yes, sir; within a week or two.

Q. At the time you saw her, shortly after she went back to live with him, do you know what her attitude and disposition were towards him at that time?

By Mr. JEFFORDS: I object to that as immaterial and irrelevant.

The WITNESS:

A. She went back to him with affection and love, with the feelings of a bride, and I should judge it was the feeling prompting her as if it was a new setting out in life with him. She expressed herself as loving him devotedly, and expressed herself as feeling that everything was going to be bright, cheerful, and happy in life.

340 Cross-examination.

By Mr. JEFFORDS:

Q. You have been telling now what she has told you, have you not? A. She never told me anything about her character and disposition.

Q. Other than that you have been telling such things as she told you? A. I have been telling what I know about her feelings the same way I have been telling about what I know of her disposition

by association with her. She wrote me a letter; of course that would be her telling me. I had no other way of knowing how she had changed except by her words and her letters and my great faith in her.

Q. You said something about her having changed and he having changed—— A. You would naturally think that a person who had applied for a divorce and who had a great deal of trouble, that the feelings had undergone a great deal of change from the love. He had told her that he was penitent for what he did and wanted her to come back and live with him, and she consented. Apparently there was a mutual forgiveness, if there was anything to forgive in Mrs. Gibson's case.

Q. Did you hear Mr. Gibson say this or did Mrs. Gibson tell you what he said? A. Of course she told me what he said.

Q. How many times have they been separated? A. To my knowledge, I think only two previous to the last. I think there was another, maybe—a temporary one, I don't know anything about.

Q. Making four in all? A. Yes, sir. I think there was
341 another in that two years—a temporary one; I am not sure about that.

Q. During the twenty years that you have known them, how often have you seen Mr. Gibson? A. He was away at sea a good deal, three years at a time during the first ten years, and I would not see him in the interim; when he came home I never went there very much when he was there, and I have only seen him—I don't believe I have seen him six times—not more than six times.

Q. In all? A. Yes, sir.

Q. These four separations have all taken place during these last ten years since he quit the sea? A. Yes, sir; I think so—twelve years. The first one I knew of, I think, was twelve years ago. No; that was the time when he disappeared from the navy, about twelve years ago. Yes, sir; I think it is within ten years ago—the separations.

Q. Did Mrs. Gibson have any furniture at your house? A. Never.

Q. Do you know where she is stopping now? A. Yes, sir; corner Fifth and A streets S. E.; about 517.

Q. With her daughter? A. No; she is keeping house for herself, making a living, I believe, on boarders.

Q. Do you know when she stopped living with her daughter on Capitol Hill? A. I do not remember that she ever lived with her daughter. I think she was stopping with her. She would usually, if anything happened between her and Mr. Gibson, and I know
342 especially after this last separation, she would not go to her daughter because she thought that would offend him. She took a room elsewhere. But I am trying to remember; she was at her daughter's, I think, about a year ago this time.

Q. Where have you seen them together? A. In her house when she resided at 505 A street S. E. and on East Capitol street, and I

think in the other house on A street near 6th—about 608 A street. I live along there, so I know the numbers.

Q. So far as you observed, personally, what was his conduct in his home? A. The few times I saw him his conduct was that of any other gentleman in his home.

Redirect examination.

By Mr. DOUGLASS:

Q. You used the expression just now, Mrs. Sanderson, in connection with the length of time that Mr. Gibson was away—you used the expression “disappeared from the navy;” what did you mean by that?

By Mr. JEFFORDS: I object to that.

The WITNESS:

A. I did not purposely do that at all, but it was a date; I knew there were several times, which I wished to remember, and I thought that was the separation from her. It is known Mr. Gibson disappeared from the navy—from his position.

By Mr. JEFFORDS: I object to that because that is a matter of hearsay and not involved in this case. If Mr. Gibson's
343 record in the navy is desired to be proved, it can be proved in the proper way.

By Mr. DOUGLASS: I would like to ask counsel for the defendant if he has any objection to prove Mr. Gibson's naval record.

By Mr. JEFFORDS: If it is material to establish his adultery it is admissible as evidence.

ALICE M. SANDERSON,
Per R. B. B.

344

SEPTEMBER 27TH, 1900—3 o'clock p. m.

Present: Same counsel.

Mr. JAMES C. COURTS, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having first been duly sworn according to law, deposes as follows:

By Mr. DOUGLASS:

Q. Where do you live? A. My residence?

Q. Yes, sir. A. 1837 Kalorama avenue.

Q. What is your occupation, Mr. Courts? A. I am clerk of the Committee on Appropriations in the House of Representatives.

Q. How long have you been occupied to fill that place? A. I have been seventeen years chief clerk of the committee.

Q. Do you know Mrs. Annie H. Gibson, the complainant in this suit? A. Yes, sir.

Q. How long have you known her? A. I made her acquaintance in 1887.

Q. You have known her since fairly well? A. Yes, sir.

Q. Mr. Courts, did you have any opportunity of seeing and knowing anything about her character and disposition since you first became acquainted with her? A. I boarded in her house six or seven months; saw her every day during that time.

345 Q. You have seen her since that time? A. Well, not very often; she has been at my house on one or two occasions, when I saw her there.

Q. What would you say as to her disposition?

By Mr. JEFFORDS: I object to that because it is immaterial, irrelevant, and not proper rebuttal testimony.

The WITNESS:

A. My impression of her was that she was an amiable woman and cultivated.

By Mr. DOUGLASS:

Q. Did you ever see any exhibitions of temper or anything of that sort?

By Mr. JEFFORDS: I object to that question for the same reasons, and because, further, it is leading.

The WITNESS:

A. I never did.

By Mr. DOUGLASS:

Q. Was she and her husband living together at that time? A. Yes, sir.

Q. What do you say as to whether or not she was a woman of coarse or refined disposition or character?

By Mr. JEFFORDS: Same objection.

The WITNESS:

A. I think she was an exceedingly refined woman.

By Mr. DOUGLASS:

Q. You said just now, Mr. Courts, that you were impressed with her as being an amiable woman; did she impress you as being
346 ordinarily so or rather unusually so?

By Mr. JEFFORDS: Same objection, and also because it is leading.

The WITNESS:

A. At least ordinarily so; I never saw any evidence of ill-temper on her part while I was in her house or anything in her character that would not have been expected of a refined, cultivated lady.

Cross-examination.

By Mr. JEFFORDS:

Q. How many times since you lived at her house, probably, have you seen her and where? A. Not exceeding a half dozen times and always at my own house. She occasionally would call there.

Q. When did you live at her house for this period you mentioned? A. I went there in November, 1887.

Q. Was Mr. Gibson, her husband, with her there at the time? A. Yes, sir.

Q. So far as you could judge, how were they living together? A. Amicably, so far as I saw or knew of anything.

Q. Did they seem adapted to each other and well-mated? A. I think so; yes, sir.

Q. What of Mr. Gibson's appearance and conduct at home and in the company of his wife? A. Well, so far as I have any personal knowledge it was all right.

347 Q. You were clerk to this committee at the time you were living there? A. Yes, sir.

Q. And your official duties are burdensome; and constant, and tedious? A. Yes, sir.

Q. And they would take you away from your living place what portion of your time, as a rule, during the day and night? A. Through the ordinary working hours of the day until late in the evening, and sometimes at night.

JAMES C. COURTS,
Per R. B. B.

348 Dr. JOHN G. AMES recalled in rebuttal.

By Mr. DOUGLASS:

Q. Dr., you have testified before in this case, I believe? A. Yes, sir.

Q. I believe you also testified in reference to Mr. Henry S. Davis? A. Yes, sir; I testified, I think, to the effect that he was a watchman—a man engaged as my private watchman—to that effect.

Q. How long have you known him? A. He has been known by me at least five or six years; during that time he has been employed by me as private watchman.

Q. Do you know whether he was employed by others in the same neighborhood? A. Yes, sir; he has been and is employed by others in that vicinity.

Q. Dr., what is the reputation of this man Davis in that community for reliability and veracity?

By Mr. JEFFORDS: I object to that until the witness qualifies to testify on that point.

By Mr. DOUGLASS: Dr., do you know what his reputation in that community is for reliability and veracity?

A. To this extent, that I have never heard his veracity or his trustworthiness called in question.

Q. By any one? A. By any one.

349 Q. Well, Doctor, from your own personal knowledge of him and your business relations with him, have you found him truthful and trustworthy, or to the contrary?

By Mr. JEFFORDS: I object to that as immaterial and objectionable in any case.

The WITNESS:

A. I have never had any occasion to doubt his veracity; it never has occurred to me in any transaction that I have had with him that he was not entirely trustworthy. I have never seen anything in him or in his conduct or his failure to keep his promise that led me to suppose that he was not a man of truthfulness and who was not trustworthy.

Q. In your relations with him did you ever know him to tell you a falsehood?

By Mr. JEFFORDS: Objected to for the same reason.

The WITNESS:

A. No, sir.

Cross-examination.

By Mr. JEFFORDS:

Q. Do you know, Doctor, the people with whom he associates?
A. No, sir; I cannot say that I do.

Q. Do you know of his having been convicted of crimes? A. I never have heard of it.

Q. Do you know of his having been locked up for being drunk and disorderly? A. No, sir.

350 Q. Do you know of his having been prosecuted for carrying concealed weapons? A. No, sir.

Q. Do you know of his having been convicted in other jurisdictions than the District of Columbia? A. No, sir.

Q. You never heard of any of those things? A. No, sir.

Q. Did you ever hear of his being in the police court charged with violations of the law? A. No, sir.

Redirect.

By Mr. DOUGLASS:

Q. Is he now employed as night watchman by you and others in that vicinity? A. He is employed by me, and I have reason to believe he is employed by others, because he is on that beat.

Q. Now? A. Yes, sir.

Recross.

By Mr. JEFFORDS:

Q. Doctor, your conduct with him has principally been in hiring him and paying him and giving him such directions from time to

time as you thought necessary? A. Chiefly. I have observed in several instances that he has been about the premises and in
351 the neighborhood at night, watching, so that I have every reason to suppose that he discharges his duty faithfully. Of course it is possible for a man to be off nights and I would not know it; but I had occasion to observe some nights when I had been out.

Q. Do you know where he lives? A. He lives in the northern part of the city; I think on Florida avenue. He lives north of me, near the boundary somewhere. I have his address at home, but I do not remember it exactly now.

Q. Have you ever been at his house? A. No, sir.

DR. JOHN G. AMES,
Per R. B. B.

352 Dr. GEORGE N. LUCCOCK, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having first been duly sworn according to law, deposes and says as follows:

By Mr. DOUGLASS:

Q. Are you a doctor of medicine or a doctor of divinity? A. Doctor of divinity.

Q. Are you a pastor of a church here, Doctor? A. Yes, sir.

Q. What church? A. Metropolitan Presbyterian.

Q. How long have you been pastor of that church? A. A little over six years.

Q. Do you know the complainant in this suit, Mrs. Annie H. Gibson? A. Yes, sir.

Q. How long have you known her? A. Practically during the whole period of my pastorate—about six years.

Q. Is she a member of your church? A. Yes, sir.

Q. During this period of time that you speak of have you seen much of Mrs. Gibson, Doctor? A. Quite considerable. I was first acquainted with her as a member of my parish when she passed through considerable trouble in the death of her daughter, and I called upon her in that trouble, and, besides that, she has another daughter who is a member of my church. I was brought into frequent relations with her.

Q. Doctor, do you know anything about Mrs. Gibson's
353 position and character? A. Just what a man would ordinarily observe in the average acquaintance with the people of his congregation.

Q. What would you say of it?

By Mr. JEFFORDS: Objected to as irrelevant and immaterial and calling for an opinion upon a matter not in issue.

The WITNESS: I would say that she was naturally a very amiable and patient, gentle and refined, cultivated woman.

By Mr. DOUGLASS :

Q. Have you ever seen any conduct, at any time or under any circumstances, that would negative her character in the particulars in which you have testified?

By Mr. JEFFORDS : Same objection, and because leading.

The WITNESS :

A. Not at all ; but, on the contrary, I have seen much to confirm the impression of that description.

By Mr. DOUGLASS :

Q. Doctor, do you know whether or not Mrs. Gibson is a woman of coarse or of delicate sensibility?

By Mr. JEFFORDS : Same objection.

The WITNESS :

A. I should say exceedingly delicate.

Cross-examination.

By Mr. JEFFORDS :

Q. Are you willing to say anything different about the character and disposition of any other member of your church than you have said about her?

354 By Mr. DOUGLASS : I object to that question as irrelevant and improper.

The WITNESS :

A. There is not any other member of my church in question.

By Mr. JEFFORDS :

Q. I mean any other ladies? A. I should say there are other ladies in the congregation less amiable than Mrs. Gibson.

Q. How about the matter of character? A. Well, we don't mean to keep anybody in the membership who is not of good character.

Q. The answer to the question would be, then, that there are other ladies in your church less amiable? A. I have not any definite one in mind. I cannot answer that question, unless I have some circumstance calling up some particular case. Only, I would say, in answer to the question, that the amiability of Mrs. Gibson is above the average of womankind.

Q. Have you seen her in her family? A. I have seen her with her daughters. I saw her once, at the time of the death of her youngest daughter, with her husband.

Q. Give us some idea of some demonstrations or expressions which indicate her amiability. A. I should say, in general, her gentle manner, and especially her soft gentle voice in conversation and her attitude toward those whom she considered to have wronged her, an attitude of long suffering, of forgiveness, of desire for reconciliation.

Q. You mean reconciliation generally or in any particular
355 case? A. In cases where she thought persons had wronged her.

Q. Do you recall instances of that kind that have come under your observation? A. The great instance, of course, is her attitude toward her husband.

Q. That you would characterize as the most kindly? A. Yes, sir; unless she is driven to desperation.

Q. And is she still of that same amiable and kind disposition? A. Well, sir, I should say yes; that is her spirit. There is no trace of bitterness, no malignant feelings toward him. She has never in anything that she has ever said to me or my wife, and she has talked a great deal to my wife about her troubles—she has never shown the least spirit of vindictiveness.

Q. Outside of her family connections do you recall any example of her kindly feelings and amiability? A. I have seen very little of her outside of her family connections. She has been a woman in trouble during my acquaintance with her, and has been very little in social life.

Q. You mean to say she has been in trouble practically all the time? A. Yes, sir; since I have known her. Yes, sir; her daughter's trouble; in fact, all of her daughters. It is well known that her husband would not allow her married daughters to come into the house, and even at the time of the death of the youngest daughter there was not only the grief of that, but his attitude toward her in that grief.

Q. So that her whole life during this period has been a life of domestic trouble? A. Yes, sir.

356 Q. How many daughters has she? A. Three; two alive. These two living are by her former husband.

Q. This daughter you mention not living was a daughter of Mr. and Mrs. Gibson, parties to this suit? A. Yes, sir.

Q. Then, there has been a good deal of bitterness between her husband and the daughters by her former husband, has there? A. I suppose there has been a great deal of difference; in fact, nothing but difference, because they have not been allowed to come into the house.

Q. How much of this period of five years that you have known her have Mr. and Mrs. Gibson been living together? A. I don't just recollect when the final separation took place. There was a little period of separation and then a reconciliation prior to the final separation. That temporary separation was brief.

Q. Do you know how long? A. I think a few weeks or months at the outside; less than a year.

Q. And this present separation began when? A. I could not recall the date. It began when they were living up northwest, when this trouble with this colored woman developed.

Q. Did you visit them up there in their home? A. I never found them at home, I think. My wife and I called there, but I think we did not find either of them at home. It is possible we did once; I am not sure of that.

Q. Did you visit them in their home before they went
357 there? A. In their home on East Capitol street?

Q. Yes, sir. A. Yes, sir.

Q. How frequently? A. O, I could not say. I get around my congregation once or twice a year, and in cases of sickness I go oftener than that. Part of the time Mrs. Gibson was sick. I suppose I was in the house several times a year while they lived there.

Q. How long did they live there during this period that you have known them? A. I do not remember the date. I should say about half the time.

Q. Now, have you seen Mr. Gibson in his home and with his wife?
A. I think just one time.

Q. How well do you know him? A. Very slightly.

Q. Mrs. Gibson has made you acquainted with nearly all the information you have about him? A. I suppose so, either directly or indirectly. Of course I have heard her son-in-law, Dr. Douglass, speak of him. But I don't know anything of him outside his family relations.

DR. GEORGE N. LUCCOCK,
Per R. B. B.

358 DANIEL A. BURROWS, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having been first duly sworn according to law, deposes and says as follows:

By Mr. DOUGLASS:

Q. Where do you live? A. I live in Baltimore, Md.; 1428 West Lanvale street.

Q. What is your occupation, Mr. Burrows? A. I am a clerk in the Sixth Auditor's Office of the Post-office Department—in his office.

Q. Your place of business, then, is in Washington? A. Yes, sir.

Q. Mr. Burrows, do you know Mrs. Annie H. Gibson, the complainant in this suit? A. Yes, sir; I am well acquainted with Mrs. Gibson.

Q. How long have you known her? A. Since '81—nineteen years.

Q. Have you seen much of her during that period of time? A. Considerably of her; yes, sir. She has been at my house six weeks at a time.

Q. Mr. Burrows, what, if anything, do you know of Mrs. Gibson's character and disposition?

By Mr. JEFFORDS: I object to that as irrelevant and immaterial.

The WITNESS:

A. Yes, sir; she has an excellent character, and her disposition is refined and gentle. She is a good woman, an excellent woman; I can say that for her.

By Mr. DOUGLASS:

Q. How is she as to amiability?

359 By Mr. JEFFORDS: Same objection.

The WITNESS:

A. Very amiable—very amiable woman.

By Mr. DOUGLASS:

Q. Mr. Burrows, is she a woman of coarse or of delicate sensibilities?

By Mr. JEFFORDS: Same objection.

The WITNESS:

A. Oh, she is refined; she is a cultured woman, well informed, and she is a good friend—an honorable, upright, straightforward woman. We have found she is always so at home. She is a good friend of my wife; that is the way I got acquainted with her. We lived as neighbors on the hill—on Capitol Hill—out on A street S. E., nineteen years ago, and we lived there until the latter part of March, 1883, when we moved to Baltimore. Well, we saw her every day; I don't know whether it was every day that I saw her, but I saw her very frequently.

By Mr. DOUGLASS:

Q. Have you seen a great deal of her since you went to Baltimore? A. Well, I have, considerably. Yes; she has been at our house, as I said before, six weeks at the time, and she made visits over to us.

Q. Do you know when she went back to Mr. Gibson the last time? A. I don't know the date that she went back to him, but she wrote a letter to my wife from Norfolk, Virginia. I judge it was in January, 1899; she was at our house during the blizzard, and her husband was there, too. He came the Saturday night before the
360 blizzard, and was not able to get back to Washington until the Wednesday following. The blizzard was Monday, and he went back on Wednesday. That was the very day I was able to get over to Washington, and so I remember it.

Q. Was that prior or subsequent to their last reconciliation, when they went back together? A. This was subsequent to their reconciliation, of course. She came to our house and stayed from the early part of February until the 20th day of March.

Q. Where did she go then? A. She came on to Washington to go with her husband.

Q. Do you know what her attitude toward her husband at that time was, when she came here to go on and join him?

By Mr. JEFFORDS: I object to that as immaterial.

The WITNESS:

A. She felt it to be her duty to be with her husband, so she left for the purpose of living with him and making him as happy and as comfortable as she could. That is what she thought at the time.

Cross-examination.

By Mr. JEFFORDS:

Q. Do you know anything about her husband sending her any money when she was there at any time? A. No, sir; I do not.

Q. You speak of her as a highly cultured woman; do you know what institutions of learning she has attended? A. Well, no;
361 I do not. I have heard her say that she was a school teacher in Norfolk or Portsmouth previous to her marriage to Mr. Gibson. Since then I have seen her letters, which indicate that she is a woman who has a good education.

Q. That is what you mean in speaking about her as a woman of culture? A. Yes, sir; I consider that she is a bright, smart woman, and a good woman.

Q. That is what you mean by your testimony on that point? A. Yes, sir; all that it implies.

DANIEL A. BURROWS,
Per R. B. B.

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OCTOBER 6TH, 1900—1 o'clock p. m.

Office of Charles A. Douglass, Esq.

Present: Same counsel.

CLIFFORD M. LEWIS, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having been first duly sworn according to law, deposes and says as follows:

By Mr. WRIGHT:

Q. Where do you live? A. At the Logan, 13th and Iowa circle.

Q. How long have you been there, Mr. Lewis? A. About a year and a half.

Q. What is your business? A. Hotel.

Q. Do you know Mr. Henry S. Davis, a watchman in your section? A. Yes, sir.

Q. How long have you known him? A. About eight or nine months.

Q. In what capacity have you known him? A. Well, he has been a sort of watchman around the house, and then in the evenings he closes the back gate about 6.30.

Q. Is he employed by you? A. Yes, sir; by the month I pay him.

Q. What are his duties? A. Well, he closes the back gate at about 6.30 in the evening, after some of the employees are out. Then he calls the fireman four o'clock in the morning, and about 1 o'clock he goes through the house and turns down the lights
363 on the several floors. They are his duties.

Q. How has he been with respect to faithfulness, or to the contrary, in attending to his duties?

By Mr. JEFFORDS: I object to that question as immaterial, irrelevant, and improper for any purpose in this case.

The WITNESS:

A. As far as I know, he has been very faithful in his duties, such as he has had there.

By Mr. WRIGHT:

Q. Do you know his reputation?

By Mr. JEFFORDS: I object to that question as improper in form for any purpose in any case.

The WITNESS:

A. I don't know how to answer that; I know his reputation to a certain extent.

By Mr. WRIGHT:

Q. Do you know his reputation as to veracity? A. As far as I know, he is truthful; he has been in all the dealings he has had with me.

By Mr. JEFFORDS: That answer is objected to because it does not answer the question and is improper.

By Mr. WRIGHT:

Q. Have you heard his reputation in the community discussed; have you heard any one speak of it—his reputation in the community for veracity? A. Yes, sir; I have heard one person, the engineer who works for me.

Q. What did he say?

By Mr. JEFFORDS: I object to that, as the saying of one
364 person is not sufficient to constitute a ground of basing opinion as to veracity.

The WITNESS:

A. The engineer said that he was a reliable man, and had been watchman in that neighborhood for several years, and he thought he was a good man and it would be all right for me to rely upon him to do the work I wanted him to do, attend to the back gate, call the fireman in the morning, and put the lights out in the morning.

Cross-examination.

By Mr. JEFFORDS:

Q. Did you know that he had a criminal record and a police record in the District of Columbia? A. No.

Q. Did you know he was regarded generally so disreputable and dishonorable and unreliable that he was refused a commission as a special police officer on that ground? A. No.

Q. Have you ever talked to Major Sylvester, the chief of the police, about him? A. No, sir.

Q. Will you do so?

By Mr. WRIGHT: I object to that; I cannot see the materiality of it.

The WITNESS:

A. I don't think it is necessary; I don't see why I should.

By Mr. JEFFORDS:

365 Q. Did you know he had been convicted of crimes in the District of Columbia? A. No, sir.

Q. Did you know he had been locked up for being drunk and disorderly? A. No, sir.

Q. Did you know he had been convicted for carrying concealed weapons? A. No, sir.

Q. This man that you are talking about is about how old, would you judge? A. I should judge about 38 years old.

Q. Well, you are certain he is not passed 60, the man you are talking about? A. No.

Q. How? A. I am certain about that.

Q. You know that? A. Yes, sir.

Q. Did he represent to you that he had a permit as special police officer? A. No; I don't think he ever did make such representation.

Q. Did he say he was refused one because he was unfit to have one? A. No, sir.

CLIFFORD M. LEWIS,
Per R. B. B.

366 JOHN A. McDONALD, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled case, having been first duly sworn according to law, deposes and says as follows:

By Mr. WRIGHT:

Q. What is your business? A. I am a police officer.

Q. Where do you live? A. My residence is 15 K street N. E.

Q. In what district are you located as policeman? A. I am connected with the detective headquarters.

Q. Do you know Mr. James J. Sullivan? A. Yes, sir.

Q. And do you know Mr. Henry S. Davis? A. Yes, sir.

Q. How long have you known these two men? A. I have known Davis about five years—a little over five years—and I know Sullivan just about five years.

Q. How long have you been on the police ofrce? A. I have been connected with the police department—I was appointed to the police force July 1st, 1895.

Q. Was Sullivan on the force then? A. Yes, sir.

Q. Have you known Mr. Davis very well? A. Davis is a man—he is a watchman. He is a special officer paid by the people. He does not receive any pay from the District. He has been out there a long while. I knew of Davis long before I knew him personally. I might say that I have known him personally about five years, and before that as connected with the Crippen case. He was the police officer killed at 12th and Q streets.

367 Q. Mr. Sullivan testified in this case that he would not believe Mr. Davis on oath, and when asked to name some parties whom he had heard say Davis had a bad reputation for veracity he says, "I have heard Detective McDonald." Did you ever say to Mr. Sullivan that Davis had a bad reputation for veracity?

By Mr. JEFFORDS: I object to the question because it does not conform to the language of the testimony of Sullivan, or the substance of it.

By Mr. DOUGLASS: Counsel for the complainant calls upon counsel for the defendant to point out wherein the question misrepresents the testimony of Sullivan.

By Mr. JEFFORDS: Counsel for defendant says that Sullivan was asked his opinion about the reputation of Davis for veracity and said his reputation was bad, generally, and he would not believe him on oath, and that among others with whom he had talked to help him form that opinion was this witness, and not that this witness said to the witness Sullivan he would not believe Davis on oath.

The WITNESS:

A. No, sir.

By Mr. WRIGHT:

Q. Mr. McDonald, did you ever, in any conversation with Mr. Sullivan, say anything derogatory to the character for veracity of Mr. Davis at any time?

By Mr. JEFFORDS: Objected to as irrelevant, inadmissible, and incompetent for any purpose.

By Mr. DOUGLASS: Counsel for the complainant makes a statement of record that this testimony is offered for the specific
368 purpose of impeaching the truthfulness and veracity of the witness Sullivan.

By Mr. JEFFORDS: Counsel for the defendant says that the counsel for the petitioner is going outside of the rules of practice recognized in this court and by the fundamental law of the land for such a purpose.

The WITNESS:

A. Not for veracity. The only thing I said was that Davis would drink; that is all I said against Davis, and that is all I intended to say against Davis. And then I never saw him drunk as often as I have other respectable people.

Cross-examination.

By Mr. JEFFORDS:

Q. Did you ever hear anybody say that Davis had a bad record and a bad name? A. Yes, sir.

By Mr. DOUGLASS: Bad record and bad name for what?

By Mr. JEFFORDS: Generally.

By Mr. DOUGLASS: I object to the question on the ground that Davis' reputation, generally, is not an issue here, and counsel for the defendant has no right to inquire into Mr. Davis' reputation except as a witness, and then for veracity and veracity alone.

The WITNESS:

369 A. Davis' reputation, generally, is good. He is a man that works and makes a living—and I think that a man who works and makes a living—of course, Davis has got into trouble by drinking, simply because some man was prejudiced against the man and did not like him. That was my opinion of him.

By Mr. JEFFORDS:

Q. You mean to say that from what you have heard people say of Davis you have formed the opinion that he is a man of good reputation? A. No; I don't; in some respects he is.

Q. In what respects? A. He is a man who works and a man that drinks, and some people think because a man drinks he loses his reputation; but I do not unless he becomes an habitual drunkard.

Q. Would you take his word in an important matter yourself? A. Yes, sir; much sooner than I would Mr. Sullivan's.

Q. Do you know he has a long police record in the District of Columbia for offences committed here? A. I know that he has been arrested on two occasions, once for carrying a pistol and once for shooting at a dog; something that I would have done myself, if a dog jumped at me, if I had a pistol.

Q. Do you know that he has been investigated by the police department and refused a commission as a special officer because he is so generally unreliable and untruthful and dishonest and disreputable?

By Mr. DOUGLASS: Counsel for the complainant objects to the question upon the ground that it is both irrelevant and also incompetent, because it is not the proper way to produce or
370 submit proof.

The WITNESS:

A. I know that he has been refused a commission by the police department, and, from all information that I have received, it is simply from drinking.

By Mr. JEFFORDS:

Q. From whom did you receive that information? A. Well, from policemen around that were on the beat, who seemed to think and say that Davis was all right, but that he drank too much. I was in the second precinct when his commission was taken away from him. The man who was the principal cause of having that commission taken away from him afterwards deserted his wife and children and left them without anything to eat, and I believe that he lied

about it; and, furthermore, I believe that Davis has been a very much imposed upon man by some policemen.

Q. Why do policemen impose upon him? A. Why, I could not tell; but I know some of them speak well of him, and I have heard some of them speak otherwise, principally this man May.

Q. Name some other policeman whom you have heard speak of Davis. A. Speak ill of him, you mean?

Q. Yes; speak of him. A. I have heard some people speak well of him; I have heard Officer Goldman; I have heard Officer Aldridge, Officer Lightfoot. There is a number of others whom I have heard speak of him, but I cannot just place every man who is on that beat. With the exception of May, I think, I am sure every man on that beat spoke well of Davis.

Q. Name some of the policemen you have heard speak otherwise of him. A. Well, Sullivan is one; he is an ex-policeman
371 now. He claims to have arrested him once; I am not so sure of that, but I think he did, and I think Gibson arrested him.

Q. I want you to name the men who have spoken otherwise than favorable of his reputation. A. Well, I have heard around the station say—now and then say that Davis is no good—Aldridge, Lightfoot, and those people.

Q. Name some of the officers that you have heard say Davis was no good. A. Well, this man May, I am telling you, and Sullivan.

Q. Some others. A. I could not name the others just now, Mr. Jeffords.

Q. You mean to be understood by this testimony that you consider Davis a fair, upright, honorable man of integrity, whose word can be taken? A. I will take his word.

Q. I don't want that. A. Yes, sir; that is my opinion of him.

Q. Have you ever talked with the chief of the police, Major Sylvester, about him? A. No, sir; I have never talked with him about any man. I am not that close with him.

Q. When you and Sullivan had the conversation which you have mentioned, who was present? A. Nobody but Sullivan and I, and Sullivan wanted me to come and testify against Davis that I would not believe him on oath, and I would not do it, and then I referred him to Goldman. I told him that Goldman was on that beat, and that Goldman was a good fellow; whatever he told him
372 about Davis would be all right; that he knew more about Davis than I did, because he was on that beat with him.

Q. How did you happen to be a witness in this case? A. I could not tell you the man's name. Some gentleman came to me in the depot and asked me whether I made the statement that I would not believe Davis on oath, and I said I did not, and he said it was on record that Sullivan had made an affidavit that I said I would not believe him on oath.

Q. What next? A. He asked me if I said it, and I said no, and he asked me if I would come and contradict it, and I said I would.

Q. What next happened? A. He told me to come to this office, and I came here.

Q. When did you come here? A. I came here one day this week; I think it was the 3rd.

Q. Fix the time when this conversation took place between you and Sullivan as near as you can. A. I will say about the 15th of last month; that is as close as I can come to it.

Redirect.

By Mr. WRIGHT:

Q. Are you any relation to Mr. Davis? A. No, sir.

Q. Are you connected with him in any way? A. No, sir.

Q. Is there any intimacy between you and Davis? A. No, sir.

373 Q. What sort of case was it that Sullivan wanted you to testify in? A. It was a divorce case.

Q. Did he give you the name of it? A. Not then; he did last winter.

Q. Did he ask you last winter to testify, too? A. No; he did not ask me to testify last winter.

Q. Did he mention any divorce suit last winter? A. No; he did not. *He* seems to me this party was going to be prosecuted criminally.

Q. Did he tell you whether or not he was interested in the case in any way?

By Mr. JEFFORDS: Objected to as immaterial and irrelevant and improper for any purpose.

The WITNESS:

A. No; he did not.

By Mr. WRIGHT:

Q. Do you know whether or not he was acting as detective or in any other capacity to gather up testimony in the case that he spoke to you about? A. No; it was understood by me that he was retained; I knew what business he was in.

By Mr. JEFFORDS: I object to the answer as being expressly an opinion.

By Mr. WRIGHT:

Q. Do you mean to say that that conversation took place the 15th of last month, or may it not have been longer? A. I will tell you; when I talked to Sullivan it never dawned on me that I would be called upon to repeat any of it. I cannot tell just how long it was. It has been since the first of July, since I have been back to
374 the depot.

Recross.

By Mr. JEFFORDS:

Q. You did not burden your mind with this matter so as to recollect it distinctly? A. No, sir; never gave it a thought until I was

asked about it in the depot by this man, because I refused to be a witness.

JOHN A. McDONALD,
Per R. B. B.

375 Mr. OTTO RUPPERT, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having first been duly sworn according to law, deposes and says as follows:

By Mr. WRIGHT:

Q. Where do you live, Mr. Ruppert? A. 1402 12th street N. E.

Q. What is your business? A. Groceries and provisions.

Q. How long have you been in that line? A. Going on 11 years.

Q. Do you know Mr. Henry S. Davis? A. Yes, sir.

Q. How long have you known him, Mr. Ruppert? A. About 10 years.

Q. Have you known him well during that period of time? A. Yes, sir.

Q. In what way did you know him? What was his occupation during that time? A. He was watchman, and I paid him a dollar a month for waking me up every morning.

Q. Do you know Mr. Davis' reputation for truthfulness in this community? A. Yes, sir.

Q. Is it good or bad? A. As far as I know, it is good.

Q. From your knowledge of his reputation for truthfulness would you believe his testimony under oath? A. Yes, sir.

By Mr. JEFFORDS: Objected to as immaterial and irrelevant and improper for any purpose.

Cross-examination.

By Mr. JEFFORDS:

Q. Whom did you ever hear say he was an honest man? A. I have never heard anybody say so.

Redirect.

By Mr. WRIGHT:

Q. Did you ever hear anybody question his honesty or truthfulness? A. No, sir.

Recross.

By Mr. JEFFORDS:

Q. Did you know he was a man with a police record—a man that had been convicted of crime? A. Convicted of crime? No, sir. I know he has been having some trouble.

Q. Did you know he was refused a commission as a special watchman because he was considered unreliable and unfit to have a commission? A. I have heard so, and he told me himself, but I think this is only a put-up job.

377 Re-redirect.

By Mr. WRIGHT:

Q. What did he say why he was refused a commission?

By Mr. JEFFORDS: I object to that as improper and irrelevant, inadmissible testimony.

The WITNESS: He told me that other policemen were hounding him, and I know so, too. I know it to be a fact.

By Mr. WRIGHT:

Q. Did he say whether or not his commission was refused because he is untruthful or because he drinks?

By Mr. JEFFORDS: I object to that for the same reason.

The WITNESS:

A. He did not say.

By Mr. WRIGHT:

Q. He did not tell you, then, upon what ground his commission was refused? A. No, sir; I never have asked him and he never told me. He only told me it was refused him; that it was taken away from him.

Q. And he said it was because other policemen were hounding him?

By Mr. JEFFORDS: I object to that as immaterial and irrelevant and improper, and for the further reason because the question is leading and improper in form.

The WITNESS:

A. Yes, sir.

OTTO RUPPERT,
By R. B. B.

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OCTOBER 13TH, 1900—11.30 a. m.

Present: Same counsel, witness, and examiner.

Whereupon complainant produced as a witness LAWSON P. GOULDMAN, a witness of lawful age called to testify by and on behalf of the complainant in the above-entitled cause, having been first duly sworn according to law, deposes and and says as follows:

By Mr. DOUGLASS:

Q. What is your occupation? A. Policeman—member of the Metropolitan police force.

Q. How long have you been in that position? A. About four years or a little more.

Q. What precinct? A. Third I am in now.

Q. Where do you live? A. 1009 20th street N. W.

Q. Do you know Sullivan, who is a private detective and who was once on the police force? A. James Sullivan?

Q. Yes. A. Yes, sir.

Q. Mr. Gouldman, Mr. Sullivan testified in this case on cross-examination as follows:

“Q. Will you tell me, Mr. Sullivan, whom you heard say Mr. Davis has a bad reputation for veracity? A. Well, I could not begin to tell you all the people I have heard say so.

“Q. Will you name some of them? A. I will endeavor to. I have heard several people and policemen—citizens and policemen. I have heard Police Officer Gouldman.”

379 Mr. Gouldman, the man referred to in the extract from the testimony that I have read is Henry S. Davis. Will you tell us whether or not you ever stated to Mr. Sullivan that Mr. Davis had a bad reputation for veracity? A. No, sir; I never stated that to Mr. Sullivan.

Q. Did you have any conversation with Sullivan on the subject? A. Yes, sir.

Q. When? A. I don't remember the date; possibly two months ago; I have not kept track of that; but I remember such a conversation in reference to Davis' character. I told Mr. Sullivan on that occasion that his reputation among the policemen was that of a vicious man, a man who drank. He had been charged with firing off his pistol in the street while under the influence of liquor, and for that his commission had been revoked. He asked me if I knew any one who would testify that they would not believe Davis on oath. I told him that I did not know that I did, but that I would meet him at 12th and Q streets and introduce him to a man who knew Davis longer and better than I did, and who would know his character, and, possibly, who would aid him in finding out just what he wanted. He did not fulfil that engagement; he did not meet me there at the time, and I have not had any conversation with Mr. Sullivan until a few days ago concerning Mr. Davis' character.

Q. What conversation did you have a few days ago with him? A. I told him that I had been summoned to your office; that he had made a statement that I had said that Davis was a man of bad reputation—that is, for integrity—and I told him that he misrepresented things; that I had not told him that.

380 Q. Mr. Gouldman, in the first conversation that you had with Sullivan did he tell you for what purpose he wanted this testimony, and in what case? A. Yes; he did not tell me a great deal about the case; he said that Davis figured in a divorce case, as well as I can remember.

Q. Did he ask you to testify? A. No, sir.

Q. Do you know whether or not he was getting up or seeking to get up testimony against Davis' character at that time? A. No further than I have stated to you. When he asked me concerning his character I told him that I would refer him to a man who knew Davis better and longer than I had known him.

Q. What is Sullivan's occupation? A. I don't know, unless he is a private detective. I really don't know a great deal about Mr. Sullivan's movements since he was dismissed from the force.

Cross-examination.

By Mr. JEFFORDS :

Q. How long have you known Davis? A. Well, I have known Davis for about four years or a little over; ever since I became a member of the force, Mr. Jeffords.

Q. Have you now and then heard and known something of him? A. Yes, sir.

Q. Have you a fairly good idea of his character and
381 reputation, generally, gathered from what you have seen or him and known of him and heard of him?

By Mr. DOUGLASS: I object to that question because it is seeking to elicit from the witness his personal knowledge, which is manifestly incompetent, and, secondly, that the question purposely does not confine the witness to the real issue.

The WITNESS :

A. Yes; for the first two years that I was a member of the force I saw Davis quite often. Since that I have known very little of Davis and heard very little of Davis, but I at no time knew anything which would be detrimental to his character for truthfulness.

By Mr. JEFFORDS :

Q. Would you hesitate to believe him yourself?

By Mr. DOUGLASS: That question is objected to on the ground that it is incompetent and irrelevant, and upon the further ground that no foundation has been laid to justify that question, because the witness' answer was that he had heard nothing detrimental to his character for veracity.

The WITNESS :

A. I don't know that Davis ever told me an untruth. Is a man's private opinion taken into consideration?

By Mr. JEFFORDS : Yes, sir.

The WITNESS, continuing: I don't know that I have any grounds to disbelieve him, because he has never told me, to my knowledge, an untruth.

Q. Would you take his word in an important matter in which you were involved and rely upon it?

By Mr. DOUGLASS: I object to that question upon the same
382 ground, to wit, that the witness has already stated that he had heard nothing detrimental to the reputation of this man, and that he also has said in reply to the last question that he had no right or ground to disbelieve him.

By Mr. JEFFORDS: Mr. Jeffords suggests that the testimony is a matter of record, and it is hardly necessary for counsel to repeat his version of it.

The WITNESS:

A. Well, I think that I have answered that question, Mr. Jeffords.

Q. What do you say now? A. I simply say that, to my knowledge, he has never told me an untruth.

Q. In an important matter, which depended upon the testimony of Henry S. Davis and in which you were personally and vitally interested, would you be willing to rest the determination and settlement of that question upon his word and his testimony?

By Mr. DOUGLASS: The question is objected to upon the ground that it is not intelligible; that the question is further ambiguous in the use of the expression in which the witness is "vitally concerned," the witness not being informed as to whether he means the taking or accepting of Davis's testimony for or against the witness' interest or concern.

The WITNESS:

A. Well, I think that is a rather pointed question, Mr. Jeffords. It is drawing it pretty fine, isn't it? I don't see why I would not. Yet he is a man of the character—I don't know just how to answer that question.

By Mr. JEFFORDS:

383 Q. He is a man almost wholly wanting in any moral character or moral sense, as you know him?

By Mr. DOUGLASS: I object to that question on the ground that the witness said nothing to warrant it and on the ground that it is incompetent.

The WITNESS:

A. I cannot say that, Mr. Jeffords.

By Mr. JEFFORDS:

Q. What do you say? A. I do not know a great deal about his morals.

Q. What further can you say about the lack of manhood and integrity and stability of character in this man?

By Mr. DOUGLASS: I object to the question upon the ground that the witness has said nothing to warrant the question in the form in which it has been asked.

The WITNESS:

A. I don't think I know enough about the man to answer that question. I have stated all that I know about Davis.

By Mr. JEFFORDS:

Q. From what you have learned of him and what you know of him do you consider him an upright, honest, honorable man of integrity and veracity?

By Mr. DOUGLASS: That question is objected to upon two grounds. In the first place, what the witness considers him is not a subject of inquiry in this case, and, in the second place, the witness has already stated, in response to numerous questions, what he knew about Davis, and has just said he stated all that he knew about him.

The WITNESS:

384 A. I don't know that he is guilty of any act of dishonesty, Mr. Jeffords. As to his character for veracity, I have already stated that he never told me an untruth, to my knowledge.

By Mr. JEFFORDS:

Q. You want to leave your testimony in that way? A. Yes, sir; that is the best answer I can give to it.

LAWSON P. GOULDMAN,
Per R. B. B.

385 Be it known that at an oral examination held on the several days mentioned in the depositions hereto attached I, Rudolph B. Behrend, an examiner in chancery in and for the District of Columbia, did cause to be personally present, at the times and places therein stated, the following witnesses, namely, Alice M. Sanderson, James C. Courts, Dr. John G. Ames, Dr. George N. Luccock, Daniel A. Burrows, Clifford M. Lewis, John A. McDonald, Otto Ruppert, and Lawson P. Gouldman, all of whom are of lawful age, called to testify by and on behalf of the complainant in the above-entitled cause, when and where the depositions of said witnesses were by me stenographically reported from the oral statements of said witnesses made in answer to the interrogatories and cross-interrogatories propounded by counsel for the respective parties then and there attending, the said witnesses having been by me first duly sworn according to law; that the said depositions were afterwards reduced to typewriting and in accordance with the stipulation between counsel signed by me on their behalf.

I further certify that I am not of counsel for either of the parties in said cause nor in any manner interested, either directly or indirectly, in this suit.

R. B. BEHREND,
Examiner in Chancery.

386

Defendant's Testimony in Surrebuttal.

Filed October 31, 1900.

In the Supreme Court of the District of Columbia.

OCTOBER 30TH, 1900.

Major RICHARD W. SYLVESTER, a witness of lawful age called to testify by and on behalf of the defendant in the above-entitled cause, having been first duly sworn according to law, deposes and says as follows:

By Mr. JEFFORDS:

Q. Your name and occupation. A. Richard Sylvester, superintendent of police.

Q. Have been such for about how long? A. About two years and a half.

Q. And prior to that was what? A. Chief clerk of the police department.

Q. For how long? A. Seventeen or eighteen years.

Q. Do you know Henry S. Davis, a man who used to be a special watchman in the neighborhood of 13th and R streets? A. Henry S. Davis?

Q. Yes, sir. A. Yes, sir; I am acquainted with him.

Q. How long have you known him? A. I have known him for ten years or more.

Q. Do you know other people in this community in which he lives who know him? A. Yes, sir.

Q. Do you know what his reputation is for integrity and truth?

387 By Mr. DOUGLASS: Now, one moment; we object to any testimony on this subject at this time as not being properly rebuttal or in reply, and will move to strike it out at the proper time.

The WITNESS:

A. Well, it is not good, his reputation for integrity.

Q. How about his reputation for truth and veracity? A. So far as his dealings with this department are concerned——

By Mr. DOUGLASS: One moment; as I understand it, the question is as to his general reputation for truthfulness, and not your actual experience or anything of that sort.

The WITNESS: Do you want my opinion?

By Mr. DOUGLASS: No, sir.

By Mr. JEFFORDS: The question asked is as to his general reputation for truthfulness.

A. I can speak so far as using the word general is concerned; I can speak so far as the police department is concerned.

By Mr. DOUGLASS: We object to that as not being in reference to his general reputation.

25—1036A

The WITNESS :

A. That is not good.

By Mr. JEFFORDS :

Q. How frequently have you had occasion to consider the matter of his reputation ?

388 By Mr. DOUGLASS : One moment ; that question is objected to upon the ground that the question of Mr. Sylvester's consideration of his reputation is not in issue in this case and is manifestly improper.

The WITNESS :

A. Not recently.

By Mr. JEFFORDS :

Q. Do you remember about how frequently or how many times you have had that matter under consideration and investigation—the matter of his reputation for integrity, truth, and veracity ?

By Mr. DOUGLASS : If counsel means to interrogate the witness as to the question as to what consideration he has given to Davis' character, I would like to know whether he deems that admissible in this case.

By Mr. JEFFORDS : The fact is Major Sylvester has, I expect, had occasion to investigate and consider this matter a number of times, and it will be of some moment in determining the matter to know whether this has been considered and investigated frequently or otherwise by this witness.

The WITNESS :

A. As to the number of times, I could not speak. Prior to August, 1899, and up to the time the question of giving police authority arose on several occasions, and it was declined by this office on the ground that he was not a man of such standing as should be empowered in that way.

389 Q. Have you his police record ? A. We have a portion of it ; I would not say that that record is complete.

Q. The record, so far as you have it, shows how many offences ?

By Mr. DOUGLASS : We object to that ; the record is the best evidence ; it is manifestly an improper question.

The WITNESS :

A. We have police records of arrests which could be produced.

By Mr. JEFFORDS :

Q. Can you let us have them, Major, or haven't you them ready ?

A. We have the records here, but it would require a scanning of them in order to get separate dates and charges.

Q. Can it be made ? A. I- can be made.

Q. When can we have it? A. In two or three days.

Q. Do you recollect about the number of his offences? A. Several of them.

Q. What are they—some of them—if you recollect?

By Mr. DOUGLASS: The question is objected to on the same ground.

The WITNESS:

A. I think there were one or two assault cases, for which he was fined in the police court. Nothing beyond that that I can recollect now for which he was taken into custody.

390 Q. Have you in your hands the record in the matter? A. No, sir; I have not.

Q. Would you believe him on oath?

By Mr. DOUGLASS: I object to the question as not being in proper form and because no proper foundation has been laid for it.

Cross-examination.

By Mr. DOUGLASS:

Q. Mr. Sylvester, when you speak of his reputation, in which you said you know his reputation, you speak of his general reputation, or do you refer specifically to his reputation for truthfulness? A. I speak of his reputation so far as it would be known to me, being connected with the police department, being brought into contact with him from time to time in various ways.

Q. On what subjects were complaints made about him; was it not as to drinking and some disorderly conduct? A. Yes, sir; drinking, disorderly conduct; then statements of facts as regards certain complaints that were made to this department about him wherein he did not state the truth so far as this department was able to learn.

Q. You never yourself ascertained whether his statements were true or false, did you? A. Yes, sir; I know of one instance where I made personal inquiry as to the truth of his statements and found that his representations were not true as made to me.

391 Q. Well, you based your conclusion upon the results of your investigations and what you ascertained from other people about it? A. Yes, sir.

Q. Well, of course, you had no personal knowledge as to whether those statements were true or false? A. Except, in so far as I say that in that one instance I made investigation, and in other instances investigations were made by the police force and reports made in matters in which he was interested.

Q. The only reputation that you speak of and that you know of in reference to Davis' reputation in the police service—— A. In connection with police matters and service, yes, sir.

Q. You don't pretend to know his general reputation in the community? A. No, sir.

Q. You don't know anything about that at all? A. No, sir.

Q. The only offences that you remember that he was convicted of was an assault? A. That is all that I can recollect now—assault cases—disorderly cases.

Q. Major, you would not say that you would not believe him on oath, would you, in matters in which he had no interest or concern; or do you care to express any opinion about that? A. Well, he is a man whose word I would not take on general principles.

392 Redirect examination.

By Mr. JEFFORDS:

Q. In these investigations of which you have spoken, have you had interviews with citizens as well as policemen, and have you had papers and letters and the like from citizens as well as policemen?

By Mr. DOUGLASS: We object to the question as leading and manifestly improper.

The WITNESS:

A. I have had charges from citizens; yes, sir.

By Mr. JEFFORDS:

Q. Were those made in writing or in person, or both? A. Well, I think both, if I remember right.

Q. Are these charges made in writing and in person by citizens taken into account by you, together with police information, to guide you in making up your conclusion? A. Well, charges made here by citizens, of course, would become official charges—police charges—part of the records.

Q. And in referring to the means of learning his information through police circles, you did or did not include those citizen charges, both written and oral? A. I considered those.

Q. Is he now under commission? A. No, sir.

Q. If refused, why? A. He is deemed an improper person to have that power.

393 Recross.

By Mr. DOUGLASS:

Q. Did you say he had been refused? A. Yes, sir.

RICHARD SYLVESTER,
Per R. B. B.

HENRY LACEY, a witness of lawful age called to testify by and on behalf of the defendant in the above-entitled cause, having been first duly sworn according to law, deposes and says as follows:

By Mr. JEFFORDS:

Q. How long have you been a resident of Washington? A. About all my life—fifty years.

Q. What is your business? A. I am a Metropolitan police officer, detailed to do special duty—detective work.

Q. How long have you been such? A. About nine years.

Q. Do you know Henry S. Davis, who was a special policeman in the neighborhood of 13th and R Sts. N. W.? A. I do.

Q. How long have you known him? A. Five or six years.

Q. Do you know other people in the community who know him?

A. Yes, sir.

394 Q. Do you know what his general reputation is for truth and veracity? A. I do.

Q. What is it? A. Very bad.

Q. What do you mean by that? A. Such as I would not believe him on his oath.

Cross-examination.

By Mr. DOUGLASS:

Q. What is your age? A. I am 56 or seven.

Q. What is your occupation? A. Metropolitan police officer, doing detective duty in the police headquarters.

Q. Are you a regular policeman? A. Yes, sir; detailed at special duty at the headquarters.

Q. You are a colored man, of course? A. They say so.

Q. You don't know? A. Yes, sir; I do.

Q. What do you understand by the question, Do you know his general reputation for truth and veracity? A. I understand that to mean whether he is a man upon whom you could rely when he made a statement.

Q. Are you speaking from your personal knowledge or from what other people say? A. I am speaking from my personal knowledge mainly, and also from what other people have said about him.

Q. Whom have you heard say anything about him? A. I have heard policemen and citizens.

395 Q. Name them. A. I don't know that I can recollect the names of the policemen. I can name one special officer who is doing duty on the opposite beat from him; he has told me that he is a big liar.

Q. Who else? A. I have heard Mr. Pollard, a colored man, who has been for twenty years head porter for Metzert's music store.

Q. Who else? A. There is a clerk in Ergood's store, on 14th street. I cannot recall his name.

Q. Can't recollect his name? A. No, sir.

Q. Anybody else that you can name? A. No, sir; I cannot recollect any.

Q. Ever heard anybody speak ill of his reputation for truthfulness except those parties whom you have named? A. Yes; I cannot recall, because I never expected to be called upon to say anything.

Q. You and he are friendly? A. I have no feeling against him. I talk with him often. I have told him that I would not go upon anything that he said in investigating a matter.

Q. When did you tell him that? A. I told him that some time ago. I guess it has been over two years.

Q. And still you and he are friends? And you told him that?

396 A. Yes, sir; I told him I would not believe him—anything he said. He gave me a two days' trip in looking up some stolen stuff once, when there was no possibility of being true, which I convinced him in order that I might report to the chief of police his efficiency and get him restored to a special policeman.

By Mr. DOUGLASS: I have not asked you a thing about that.

Q. You say you and he are friendly? A. Yes, sir; never had a cross word with him, and I am not a voluntary witness here now.

Q. Whom did you tell what you knew about Davis before you were brought here as a witness? A. I don't know; some man was asking me whether I knew Davis.

Q. Who was it? A. I can't really tell you.

Q. Try and recollect whom it was. A. I don't know whether it was a policeman or a private detective.

Q. Don't you know it was a private detective? A. No, sir; I don't.

Q. Was it Sullivan? A. Jimmie Sullivan?

Q. Yes. A. I think he asked me about it, and I think Bob Smith asked me about it.

Q. But you know Sullivan asked you about it? A. I am not positive, but I think it was Sullivan.

Q. Who asked you to testify? A. No one asked me to testify; Mr. Jeffords asked me if I knew him, and I told him yes, and he asked me what I knew about him, and I said, If I am going to be brought in as a witness, I did not want to discuss the matter.

397 Q. You told Sullivan what you knew about him? A. Yes, sir; and I think I have told others.

Q. Did Sullivan ask you if you would testify that you would not believe Davis on oath? A. No, sir; I don't believe Sullivan would ask me that.

Q. Where was it you had the conversation with Sullivan? A. Somewhere about the police court.

Q. When? A. I cannot tell.

Q. You can approximate the time. A. It may have been a month and it may have been three months. I never expected this matter——

Q. You think it was about a month ago? A. It may have been three months.

Q. I asked you how long you think it was. A. It may have been a month or three months. I can't tell the exact time.

Q. Do you think it was three months ago?

By Mr. JEFFORDS: The witness has answered that several times.

The WITNESS: ~

A. I am satisfied it has been within three months.

By Mr. DOUGLASS: It is understood that my objection to the com-

petency of the testimony of the previous witness applies to this witness also.

HENRY LACEY,
Per R. B. B.

398 Be it known that at an oral examination had on the day mentioned in the depositions hereto attached I, Rudolph B. Behrend, an examiner in chancery in and for the District of Columbia, did cause to be personally present, at the time and place therein stated, the following witnesses, namely, Richard Sylvester and Henry Lacey, both of whom are of lawful age, called to testify by and on behalf of the defendant in the above-entitled cause, when and where the depositions of said witnesses were by me stenographically reported from the oral statements of said witnesses made in answer to the interrogatories and cross-interrogatories propounded by counsel for the respective parties then and there attending, the said witnesses having been by me first duly sworn according to law; that the said depositions were afterwards reduced to typewriting, and, in accordance with the stipulation between counsel, signed by me on their behalf.

I further certify that I am not of counsel for either of the parties in said cause nor in any manner interested, either directly or indirectly, in this suit.

R. B. BEHREND,
Examiner in Chancery.

399 *Decree Dismissing Petition.*

Filed November 2, 1900.

In the Supreme Court of the District of Columbia, Holding Equity Session.

ANNIE V. H. GIBSON, Petitioner,	} Equity. No. 20397.
vs.	
CHARLES A. GIBSON, Defendant.	

This cause coming on to be heard and the testimony heretofore taken herein being read in open court and being argued by counsel for both petitioner and defendant, it is by the court, this 2d day of November, 1900, upon consideration of all the pleadings, testimony, exhibits and arguments herein—

Adjudged, ordered, and decreed that the petition of the petitioner herein be, and the same is hereby, dismissed. The defendant is required and hereby ordered to pay the alimony which is now in arrears and unpaid, \$160.00.

JOB BARNARD, *Justice.*

Counsel for complainant gives notice of an appeal in open court from above decree and asks that the amount of the appeal bond be fixed, and the same is hereby fixed at \$100.

JOB BARNARD, *Justice.*

Memorandum.

November 7, 1900.—Appeal bond filed.

400

Opinion of Justice Barnard.

Filed November 30, 1900.

In the Supreme Court of the District of Columbia.

ANNIE V. H. GIBSON, Complainant,	}	No. 20397. Equity.
vs.		
CHARLES A. GIBSON, Defendant.		

In this case the complainant has filed her bill for a divorce from the bond of marriage with the defendant, alleging as the ground therefor that the defendant, at divers times prior to and since the 16th day of November, 1898, committed adultery with a colored woman named Hattie G. Wise who lived in the house with said defendant at No. 1602 13th street northwest, in this city.

The answer denies this charge and avers that the complainant had thrice left the defendant and had been previously prosecuting a suit in this court for divorce from bed and board, which suit had been dismissed on hearing, and that thereafter the complainant returned to the defendant and lived with him from March 19 to April 24, 1899, when she again left him without cause, and caused criminal prosecutions to be commenced against him and against the said Hattie G. Wise, based upon the said allegations of adultery, and directly thereafter filed this bill on the same charges.

That she is maliciously and wickedly and unjustifiably persecuting him by these proceedings, and that all such allegations are wholly and absolutely false, vindictive, and malicious.

I have listened attentively to all the testimony and to the arguments of counsel who have strongly presented the important points on both sides and apparently with a good deal of feeling. Counsel can hardly help entering into the feelings of their clients, especially in these divorce cases, which are more bitterly fought than any other cases, as a rule. They have each presented the testimony that seems to them most fully establishes their contentions, and I am not criticising them for that, for they only do their duty to put the cause of their clients in the best light possible. The court, however, endeavors to look at the case without entering into the feelings of parties or counsel on either side.

Let me state a few of the matters which seem to me have much to do in determining the case.

These parties had been unable to live in peace and had been separated and in litigation. While so separated the defendant, with two other gentlemen, Mr. O'Laughlin and Mr. Beck, both unmarried and both reputable gentlemen and members of this bar, made an agreement to rent a house and live together as a family, each to pay

one-third of the expense. Mr. Beck found 1602 13th street northwest was vacant, and he rented it for the use of the three. They moved their personal effects there and selected their rooms, furnishing their sleeping-rooms with their individual furniture, and the library and rooms used in common with furniture belonging to the club, so called. This was a perfectly respectable neighborhood and a very nice house for a home. Mr. Beck was the head of the family, so to speak. He made the contract for rent, hired the servant, and attended to the marketing. Hattie G. Wise, who had previously been a servant in the family of Mr. Hopkins, a member of 402 Congress from Pennsylvania, and who had thereafter done washing for Messrs. Beck and O'Laughlin, was the servant. She had full charge of the housework, and was paid \$15 a month. It does not appear that the defendant had ever met her until he moved to this house in January, 1898.

The servant seems to have had full sway in the house in the absence of the gentlemen, and frequently had some of her colored friends, male and female, present as company on certain evenings, when she was left alone in the house. The only communicating bed-rooms in the house were two on the 3rd floor, the front one being occupied by Mr. Beck and the servant taking the back one. Mr. Gibson had the front room on 2nd floor and Mr. O'Laughlin the back room on same floor, over the kitchen, between which there were two rooms, one used as a store-room or office, with a desk in it, and one for a sitting-room and library. They had a piano in the parlor on the first floor, where they frequently played and sang. Some six or eight months after the formation of this club, and while everything seemed to be going on happily in this house, the witness Davis appears on the scene. He is a private watchman, who is employed by certain citizens in that section of the city to watch their premises at night. Being at the corner house, 1600 13th street, frequently, and passing at all hours of the night, his attention was attracted to 1602 13th street, and he thought something was wrong about it, and he watched it during August, 1898, "for a rough house," as he called it. On two occasions he climbed upon some lattice-work on the Ames house, some seventy feet from where he claims to have seen the defendant and the colored girl, and 403 from his elevated position among the vines he says he saw them together on a couch in the library-room on 2nd story. He and the witness Martin, who was with him, did not see alike or they do not remember alike, as they differ very considerably in their testimony. Whatever Davis may have thought was wrong about the house seems to have been explained by the fact that it was a "bachelor's club," because after Mr. O'Laughlin had been informed that the house was being watched he spoke to the lieutenant of police as to the character of the house, that bachelors were living there, and the lieutenant told Mr. Davis, and thereafter Davis ceased to watch the place, and does not appear to have seen thereafter anything suspicious about it or to have regarded with any importance what he had before seen.

If it was sufficient to establish the fact of adultery by showing opportunity for access, there could be no question here, for not only the defendant, but each of the other gentlemen, might have had opportunity for intercourse with this girl if he and she had been so inclined. Mr. Beck seems to be the one who had best opportunity, as they occupied adjoining and communicating sleeping-rooms, and yet there is no intimation that there were criminal relations between them. Neither is there any intimation that this cook and house-keeper was being used as a mistress in common by all the men in the house, or that she was a girl of ill-repute or loose morals.

The proof of opportunity, the supposed situation of parties at different times, as testified to by the witnesses, who were suspicious of the house and who may have honestly thought
404 they saw positive proof of evidence to confirm their suspicions, and all the other circumstances of the case, will not be sufficient to establish the charge of adultery if they are capable of explanation on any reasonable theory of innocence. While they may be susceptible of explanation on the theory of guilt, still they may be explained on other grounds and may be entirely consistent with innocence.

The rule adopted by Lord Stowell, and which has been followed in many of the States of this Union in proving adultery, is this:

"The circumstances must be such as would lead the guarded discretion of a reasonable and just man to the conclusion."

These circumstances generally consist of three elements:

1. Opportunity.
 2. An adulterous disposition and intent on the part of the defendant.
 3. An adulterous disposition and intent on the part of the *paramour*.
- Adultery will not generally be inferred from circumstantial evidence, unless all these elements are shown by the testimony and circumstances.

The proof in this case, as it appears to me, falls short of establishing the last two elements.

There is nothing that seems reliable in the testimony going to show an adulterous disposition on the part of the defendant or to establish an intent to commit adultery with the servant girl.

405 Neither is there anything shown which reflects upon the previous character of this colored girl. She was and had been a hard-working girl, earning an honest living, so far as I can see. She may have shown more familiarity with the men in the house and they may have been more free to joke and tease her than would have been the case if she had been employed by the mistress of a house. She had the full run of the house and all the supplies in it, and was allowed to have her company there on several occasions.

The Shufeldt case has been cited as one which would help the court in reaching a proper conclusion in this matter. Precedents are of little value in this class of cases. Every case must, necessarily, stand on its own peculiar facts and circumstances.

I think it is not quite certain from the testimony that the identity

of the defendant with the gentleman seen through the windows is established. While the colored man, Johnson West, no doubt testified honestly and thought he saw what he says he saw, yet he may have been mistaken not only as to the identity of the defendant, but also as to the actions described. It is easy to see some action or gesture at a distance that seems to confirm any theory already in mind, and particularly so if we are looking for something wrong on the part of those we are watching. Witnesses are very often mistaken about things they seem to see plainly, and they are much more liable to such mistake when they are looking into a room through windows at some distance, where light is likely to be dim and persons and objects confused.

406 A strong circumstance against the conclusion of adultery here, it seems to me, is the racial difference between the parties. The defendant is an educated gentleman, in a responsible position among men, and it does not appear that he has any particular predilections for colored women as compared with women of his own race. It does not appear whether he has lived in social intimacy or equality with the negro race or whether he has lived in a community before coming to Washington where there were no colored people at all.

Another apparent reason against the theory of adultery is that such performance could not have been going on for any length of time or in the manner which the complainant contends it was, in daylight or brightly lighted rooms with open windows and in rooms used in common by all the inmates, without the same being known by the other members of the club, and if the same had been known to them it would doubtless have been the cause of breaking up the so-called family.

It is a well-known rule in gentlemen's clubs that ladies are not to be brought to the club-house except on certain days and under certain regulations that will prevent opportunity for scandal, and the evidence shows that this particular club had a rule that no lady was to be brought to the house by either of the members at any time.

The matter of alleged gifts by the defendant to the servant, if true in fact, are as well explained on the theory of innocence as guilt, for what man with any kindness of nature does not give tips and presents to a faithful servant who waits on him week after week, whether the servant be male or female, and it does not indi-
407 cate illicit relations. Neither is there anything to be inferred from the shifting of rooms and the new furniture that was found in the servant's room over the kitchen at the time complainant came to the house. There is no claim that there were improper relations between the defendant and the servant after that change was made or for months before.

If the defendant was maintaining improper relations with the servant and the pencil drawings bearing defendant's initials had been given to her, as complainant contends, because of such intimacy, I do not believe she would hang them on the walls of her

room and allow them to remain there for the wife to see after she came to live in the house.

If such relations were in fact sustained, instead of the free and easy manner shown, the frank and outspoken conduct of all parties, there would have been secrets and deceitful actions and sly goings on between these parties. The gifts, the pictures, the furniture, the joking and teasing all took place or were talked about at table, in presence of all, except the alleged bo-quet and kiss, for which one witness says the defendant went back one morning after the other gentlemen had started away from the house. As to that incident, like others sworn to by the same witness, I think it more than likely there may have been a mistake, for without some evidence as to whether the said colored girl was exceptionally prepossessing in appearance I should hardly feel like giving credence to the story.

Complainant contends that her husband was guilty because
408. the servant was impudent and abusive to her and because her husband had called the servant to see who the complainant was at the time she called at this house in November, 1898, and was abusive to her himself at that time as well as after she had come to the house in March, 1899.

Little weight should be given this fact. The servant may have become disrespectful and impudent because of the freedom and control she had, having only men to wait on and take orders from, and they treating her in a free and easy manner. As to the husband's abusive language, that is accounted for by the fact that there was then bitter enmity between them. Legal proceedings had been going on, separations and troubles had been existing, and under the rules, even if he was disposed to do so, the defendant could not have made up with his wife and taken her to that house to live in November, 1898. On looking at the whole testimony as best I can, I do not believe the complainant has made out her case. If I was sitting as judge of the criminal court and trying the defendant on the indictment, and a jury should find him guilty on this evidence, I think I should have to set aside such verdict. I am endeavoring to decide regardless of my sympathy in the case like this for the wife, for sympathy should not be allowed to govern judgment as to the force of evidence.

I can do nothing but dismiss the bill, with the impressions I have of the effect of the testimony.

JOB BARNARD, *Justice*.

409 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, }
District of Columbia, } ss:

I, John R. Young, clerk of the supreme court of the District of Columbia, hereby certify the foregoing pages, numbered from 1 to 408, inclusive, to be a true and correct transcript of the record; as prescribed by rule 5 of the Court of Appeals of the District of Colum-

bia, in cause No. 20397, equity, wherein Annie V. H. Gibson is complainant and Charles A. Gibson is defendant, as the same remains upon the files and of record in said court.

In testimony whereof I hereunto subscribe
Seal Supreme Court my name and affix the seal of said court, at
of the District of the city of Washington, this 14th day of De-
Columbia. cember, A. D. 1900.

JOHN R. YOUNG, *Clerk*.

Endorsed on cover: District of Columbia supreme court. No. 1036. Annie V. H. Gibson, appellant, vs. Charles A. Gibson. Court of Appeals, District of Columbia. Filed Dec. 15, 1900. Robert Willett, clerk.

FILED

FEB 6 - 1901

Robert Williford
CLERK.

IN THE
Court of Appeals of the District of Columbia

JANUARY TERM, 1901.

No. 1,036.

ANNIE V. H. GIBSON, APPELLANT,

vs.

CHARLES A. GIBSON, APPELLEE.

BRIEF FOR APPELLEE.

TRACY L. JEFFORDS,

Attorney for Appellee.

LAW REPORTER PRINT

IN THE
Court of Appeals of the District of Columbia

JANUARY TERM, 1901.

No. 1,036.

ANNIE V. H. GIBSON, APPELLANT,

vs.

CHARLES A. GIBSON, APPELLEE.

BRIEF FOR APPELLEE.

STATEMENT OF CASE.

Appellant began suit below by petition for divorce, and charged as ground for same adultery of husband committed with Hattie Wise, a colored servant girl employed by a gentleman who rented and managed the house which said manager, the husband, and a couple of their friends occupied as a gentlemen's club.

Appellant had left her husband three times prior to the bringing of this suit, and had prosecuted unsuccessfully one prior action for divorce, but until the time of beginning this suit the husband had always been considered a moral man and true to his wife (Rec., p. 63).

Shortly after she failed in her first attempt for divorce she asked to be admitted to this club and was refused admission. But persisting in her attempt to return to her husband the club dissolved and arrangements were made for her to live at this house with her husband.

Abundant preparations were made for her coming and the appellee was involved in expense for same more than he

could well afford. The only two communicating bed rooms in the house were occupied by the appellant and appellee. Very soon after she came to the house unpleasantness between her and her husband began. She and this colored servant, Hattie G. Wise, began to quarrel. Appellant began stealthily to tip toe up and down stairs and peep through key holes to spy on inmates of the house. She also employed detectives to watch her husband and the house and consulted counsel who went to the United States Attorney with an affidavit (Rec., pp. 161-2) made by one Henry S. Davis, a witness below, and desired to proceed with criminal prosecution against appellee for adultery with said Hattie G. Wise.

Appellant then went to the Police Court and swore to an affidavit charging her husband with the crime of adultery committed with Hattie G. Wise. She also on the same day swore to an affidavit charging Hattie G. Wise with having committed the crime of fornication with her husband. Both these affidavits were made April 26, 1899, and on the following day, April 27, 1899, appellant appeared in Police Court and swore to an information charging that Hattie G. Wise had committed fornication with her husband, and on this same day she swore to her divorce petition and filed it in the court below. Later she appeared before the grand jury and testified as a witness against her husband and he was indicted for the crime of adultery committed with Hattie G. Wise. This indictment was filed in open court, June 27, 1899. Said two affidavits sworn to by appellant, said information sworn to by her, said indictments by the grand jury and said petition for divorce all charged one and the same offense on the part of the husband.

There was but one witness, Henry S. Davis, who gave any direct testimony tending to establish adultery. He admitted having been convicted in the courts of the District of Columbia of a number of offenses and when asked of what other offenses he had been convicted in the courts of

this jurisdiction and in the courts of other jurisdictions he declined to answer but he did not deny such convictions.

This witness was wholly impeached and his testimony is worse than useless. James J. Sullivan, George O. Miller, Henry Lacey, Richard Sylvester, Major and Supt. of Police, and ex-United States Attorney Henry E. Davis, testified that he was wholly irresponsible in every way and that they would not believe him on oath.

Petitioners' case depended on circumstantial evidence and it was insufficient to sustain her allegations for divorce and was dismissed by the court below, and appeal was taken from such decree to this court.

ARGUMENT.

There is no question of law involved in this appeal. The single issue to be determined here is the same as below, viz :

Did the appellant prove that the appellee committed adultery with Hattie G. Wise?

The appellant did not return to her husband in good faith, but for the purpose of making him trouble and to try to plan, create and exploit a state of affairs upon which she would be able to secure divorce.

This is shown by the following :

1. Almost as soon as she returned to her husband she asked said Hattie G. Wise to be on her side if she had trouble with her husband, and said she would fix him this time with the help of some one on Capitol Hill.

2. About same time she employed detectives to work on her prospective divorce case.

3. When nearly ready for action she had her friend and cousin, Mrs. Murphy, call, and talked with her about arrangements, and together they examined the whole house, even to the toilet articles on the bureau in the room of the servant, Hattie G. Wise.

4. She sent for a physician who was a stranger to her and her husband, and when he came she showed him over the house, including the servant's room.

5. She consulted counsel and had the criminal proceed-

ings instituted against her husband and Hattie G. Wise at same time she began her divorce suit. She made same charges in both civil and criminal proceedings, and used the criminal courts as a help to her divorce case.

6. To the witness O'Laughlin, a member of this Bar, one of the members of the said club, counsel for her husband in the unsuccessful suit of the wife for 'divorce, and the mutual friend who had, when they were apart, helped to a reconciliation more than once, and was then trying to effect another, appellant, when she had begun all these legal proceedings, and when aglow with the brightness of her attempt to secure divorce and send her husband to the penitentiary, said she did not want money or especially want divorce, but she wanted revenge on appellee.

7. Appellant, while she was scheming and promoting all these plans for revenge on appellee, was living with him as his wife, and the two occupied communicating bedrooms.

Adultery is Not Proved.

The three detectives employed by appellant—Block, Trammel and McBride—are not called as witnesses by her and failure to call them is not explained or mentioned.

The witnesses Henry S. Davis and Policeman Martin directly contradict each other as to the most material parts of their evidence.

The witness West did not identify appellee and did not know him at the time of the alleged occurrences about which he testified.

The testimony of the other witnesses discloses facts as consistent with innocence as guilt, and the former is presumed.

We might stop here, for in the language of the court below, appellant did not make out her case.

But to remove any suspicion that might attach to appellee, Mr. O'Laughlin, a member of this Bar, and Mr. Beck, a member of this Bar, both members of the gentlemen's

club where the adultery is alleged to have been committed, and the servant Hattie G. Wise, a widow against whom there has been no breath of suspicion until the charge made by appellant, all three testify so frankly, fairly and fully that there should be no doubt that the decree below is right.

“The court above always presumes in favor of the judgment or decree below. This presumption is so strong that a reversal will not take place without good cause shown, or the appearance of error on the record, and that the appellant has been prejudiced thereby.”

Enc. of Law, (1 Ed.), Vol. 1, p. 626.

Appellant has not been prejudiced by the decree below.

It is respectfully submitted that this court should affirm that part of the decree which dismissed petition of appellant for divorce.

TRACY L. JEFFORDS,
Attorney for Appellee.